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SENATE

STATE OF MINNESOTA
SEVENTIETH LEGISLATURE

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Introduction

The Seventieth Session of the Minnesota Legislature was the first in which all Senators were elected under the party designation law of 1973. Twenty new Senators were elected, forty-seven were re-elected. Of the twenty new Senators elected in November, 1976, seven had prior service in the House of Representatives; seventeen were members of the DFL Caucus, and three were members of the IR Caucus. Emily Anne Staples, elected in District 43, was the third woman ever elected to the Minnesota Senate, and the first DFL woman to hold a Senate seat.

The year 1976 brought many changes to the political scene in Minnesota. United States Senator Walter F. Mondale was elected Vice President of the United States. His Senate seat was filled by the appointment of Wendell R. Anderson, who had resigned as Governor. Lt. Governor Rudy Perpich of Hibbing became Governor and State Senator Alec G. Olson of Spicer, who was President of the Minnesota Senate, became Lt. Governor. Both Anderson and Perpich previously served in the Minnesota Senate.

Because of Senator Alec G. Olson's resignation from the Senate upon becoming Lt. Governor, a special election was held in January, 1977 to fill the vacancy in District 21. Dr. A. O. H. Setzepfandt, Bird Island, won election to that seat. He had served one term in the House of Representatives, and had been re-elected.

Senator Nicholas D. Coleman, St. Paul, continued to serve as Senate Majority Leader and Chairman of the Committee on Rules and Administration.

Senator Edward J. Gearty of Minneapolis was elected President of the Senate.

Senator Robert O. Ashbach, St. Paul, was re-elected as Minority Leader.

The political make-up of the 1977 Senate was 49 DFL-ers and 18 Independent Republicans.

Members of the Senate

Anderson, Jerald C. (DFL)*	Merriam, Gene (DFL)
Ashbach, Robert O. (IR)**	Milton, John (DFL)
Bang, Otto T., Jr. (IR)	Moe, Roger D. (DFL)
Benedict, Robert M. (DFL)	Nelson, Tom A. (DFL)
Bernhagen, John (IR)	Nichols, Jim (DFL)
Borden, Winston W. (DFL)	Ogdahl, Harmon T. (IR)
Brataas, Nancy (IR)	Olhoft, Wayne (DFL)
Chenoweth, John C. (DFL)	Olson, Howard D. (DFL)
Chmielewski, Florian (DFL)	Penny, Timothy J. (DFL)
Coleman, Nicholas D. (DFL)	Perpich, George F. (DFL)
Davies, Jack (DFL)	Peterson, Collin C. (DFL)
Dieterich, Neil (DFL)	Pillsbury, George S. (IR)
Dunn, Robert G. (IR)	Purfeerst, Clarence M. (DFL)
Engler, Steve (IR)	Renneke, Earl W. (IR)
Frederick, Mel (IR)	Schaaf, David D. (DFL)
Gearty, Edward J. (DFL)	Schmitz, Robert J. (DFL)
Gunderson, Jerome (DFL)	Schrom, Ed (DFL)
Hanson, Marvin B. (DFL)	Setzepfandt, A. O. H. (DFL)
Hughes, Jerome M. (DFL)	Sieloff, Ron (IR)
Humphrey, Hubert H., III (DFL)	Sikorski, Gerry (DFL)
Jensen, Carl A. (IR)	Sillers, Douglas H. (IR)
Johnson, Douglas J. (DFL)	Solon, Sam G. (DFL)
Keefe, John B. (IR)	Spear, Allan H. (DFL)
Keefe, Steve (DFL)	Staples, Emily Anne (DFL)
Kirchner, William G. (IR)	Stokowski, Eugene E. (DFL)
Kleinbaum, Jack I. (DFL)	Strand, Roger E. (DFL)
Knoll, Franklin J. (DFL)	Stumpf, Peter P. (DFL)
Knutson, Howard A. (IR)	Tennessee, Robert J. (DFL)
Laufenburger, Roger (DFL)	Ueland, Arnulf, Jr. (IR)
Lessard, Bob (DFL)	Ulland, James (IR)
Lewis, B. Robert (DFL)	Vega, Conrad M. (DFL)
Luther, William P. (DFL)	Wegener, Myrton O. (DFL)
McCutcheon, Bill (DFL)	Willet, Gerald L. (DFL)
Menning, Marion (Mike) (DFL)	

*DFL—Democratic-Farmer-Labor

**IR—Independent Republican

Senate Leaders

Coleman, Nicholas D.....	Majority Leader
Borden, Winston W.....	Assistant Majority Leader
Johnson, Douglas J.....	Majority Whip
Keefe, Steve	Majority Whip
Ashbach, Robert O.....	Minority Leader
Frederick, Mel	Minority Whip
Bernhagen, John	Deputy Minority Whip
Dunn, Robert G.....	Assistant Minority Leader
Jensen, Carl A.....	Assistant Minority Leader
Knutson, Howard A.....	Assistant Minority Leader

Officers of the Senate

Garty, Edward J.	President
Flahaven, Patrick E.	Secretary of the Senate
Vavrosky, Joseph C.	First Assistant Secretary
Mattson, Janine	Second Assistant Secretary
Urman, Patrice	Third Assistant Secretary
Goff, Steven R.	Fourth Assistant Secretary
Goodwin, George G.	Minority Secretary
Daly, Eugene P., Sr.	Sergeant at Arms
Larson, William	Assistant Sergeant at Arms
Ganje, Kay	Engrossing Secretary
Morrison, Catherine E.	Engrossing Clerk
Finn, Father Nicholas J.	Chaplain

STATE OF MINNESOTA

Journal of the Senate

SEVENTIETH LEGISLATURE

FIRST DAY

St. Paul, Minnesota, Tuesday, January 4, 1977

This being the day designated by the Constitution and Laws of the State of Minnesota for the assembling of the Legislature, the members of the Senate met in the Senate Chamber of the Capitol and were called to order at 12 o'clock noon by the Lieutenant Governor, Alec G. Olson:

Prayer was offered by Father Nicholas J. Finn.

The Lieutenant Governor then appointed Mr. Jack I. Kleinbaum as Secretary Pro Tem.

The Secretary Pro Tem called the roll by legislative districts in numerical order, and the following Senators answered to their names and the Senators-elect presented proof of their eligibility to be seated as members of the Senate.

First District	Marvin B. Hanson
Second District	Roger D. Moe
Third District	Bob Lessard
Fourth District	Gerald L. Willet
Fifth District	George F. Perpich
Sixth District	Douglas J. Johnson
Seventh District	Sam George Solon
Eighth District	James Ulland
Ninth District	Douglas H. Sillers
Tenth District	Collin C. Peterson
Eleventh District	Wayne Olhoff
Twelfth District	Myrton O. Wegener
Thirteenth District	Winston W. Borden
Fourteenth District	Florian Chmielewski
Fifteenth District	Roger E. Strand
Sixteenth District	Ed Schrom
Seventeenth District	Jack I. Kleinbaum
Eighteenth District	Robert G. Dunn
Nineteenth District	Jerald C. Anderson
Twentieth District	Jim Nichols
Twenty-first District	
Twenty-second District	John Bernhagen
Twenty-third District	Earl W. Renneke
Twenty-fourth District	Clarence M. Purfeerst
Twenty-fifth District	Steve Engler
Twenty-sixth District	Marion (Mike) Menning
Twenty-seventh District	Howard D. Olson

Twenty-eighth District	Carl A. Jensen
Twenty-ninth District	Arnulf Ueland, Jr.
Thirtieth District	Timothy J. Penny
Thirty-first District	Tom Nelson
Thirty-second District	Mel Frederick
Thirty-third District	Nancy Brataas
Thirty-fourth District	Roger Laufenburger
Thirty-fifth District	Jerome O. Gunderson
Thirty-sixth District	Robert J. Schmitz
Thirty-seventh District	William G. Kirchner
Thirty-eighth District	Robert M. Benedict
Thirty-ninth District	Otto T. Bang, Jr.
Fortieth District	John B. Keefe
Forty-first District	B. Robert Lewis
Forty-second District	George S. Pillsbury
Forty-third District	Emily Anne Staples
Forty-fourth District	Hubert H. Humphrey, III
Forty-fifth District	William P. Luther
Forty-sixth District	David D. Schaaf
Forty-seventh District	Gene Merriam
Forty-eighth District	Robert O. Ashbach
Forty-ninth District	John Milton
Fiftieth District	Jerome M. Hughes
Fifty-first District	Gerry Sikorski
Fifty-second District	Conrad M. Vega
Fifty-third District	Howard A. Knutson
Fifty-fourth District	Edward J. Gearty
Fifty-fifth District	Eugene E. Stokowski
Fifty-sixth District	Robert J. Tennessen
Fifty-seventh District	Allan H. Spear
Fifty-eighth District	Harmon T. Ogdahl
Fifty-ninth District	Steve Keefe
Sixtieth District	Jack Davies
Sixty-first District	Franklin J. Knoll
Sixty-second District	Neil Dieterich
Sixty-third District	Ron Sieloff
Sixty-fourth District	Peter P. Stumpf
Sixty-fifth District	Nicholas D. Coleman
Sixty-sixth District	John C. Chenoweth
Sixty-seventh District	Bill McCutcheon

OATH OF OFFICE

The Senators in a body then subscribed to the Oath of Office as administered by the Honorable Robert J. Sheran, Chief Justice of the Supreme Court.

ELECTION OF PRESIDENT

Mr. Laufenburger nominated Mr. Edward J. Gearty for President.

Mr. Ashbach nominated Mr. Harmon T. Ogdahl for President.

The question was taken on the election of the President.

The roll was called. The following Senators voted for Mr. Edward J. Gearty:

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

The following Senators voted for Mr. Harmon T. Ogdahl:

Ashbach	Dunn	Keefe, J.	Pillsbury	Ueland, A.
Bang	Engler	Kirchner	Renneke	Ulland, J.
Bernhagen	Frederick	Knutson	Sieloff	
Brataas	Jensen	Ogdahl	Sillers	

Mr. Edward J. Gearty received 48 votes of the members of the Senate and was duly elected President of the Senate.

Mr. Harmon T. Ogdahl received 18 votes.

OATH OF OFFICE

Mr. Edward J. Gearty subscribed to the oath of office as administered by the Honorable Robert J. Sheran.

Mr. Edward J. Gearty then briefly addressed the Senate in accepting the office as President.

ELECTION OF OFFICERS

Mr. Davies nominated Mr. Patrick E. Flahaven for Secretary of the Senate.

Mr. Ashbach seconded the nomination of Mr. Flahaven.

The question was taken on the election of the Secretary of the Senate. The roll was called. The following Senators voted for Mr. Patrick E. Flahaven:

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

Mr. Patrick E. Flahaven received 66 votes of the members of the Senate and was duly elected Secretary of the Senate.

OATH OF OFFICE

The Secretary of the Senate advanced to the Bar of the Senate and subscribed to the oath of office as administered by the President.

ELECTION OF OFFICERS—CONTINUED

Mr. Coleman moved that the election of other elective officers be made on one roll call unless there should be more than one nomination for any office. The motion prevailed.

The following nominations were made:

Mr. Hughes nominated Eugene P. Daly, Sr. for Sergeant at Arms.

Mr. Anderson nominated Joseph C. Vavrosky for First Assistant Secretary.

Mr. Borden nominated Janine Mattson for Second Assistant Secretary.

Mr. Chenoweth nominated Kay Ganje for Engrossing Secretary.

Mr. Chmielewski nominated Catherine E. Morrison for Engrossing Clerk.

Mr. McCutcheon nominated William Larson for Assistant Sergeant at Arms.

Mr. Coleman nominated Father Nicholas J. Finn for Chaplain.

The question was taken on the election of the above named nominees. The roll was called. The following Senators voted for the nominees:

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

The above named nominees having received the majority vote of all members voting, were declared duly elected to their respective offices.

OATH OF OFFICE

The Sergeant at Arms, the First Assistant Secretary, the Second Assistant Secretary, the Engrossing Secretary, the Engrossing Clerk, the Assistant Sergeant at Arms and the Chaplain advanced

to the Bar of the Senate and subscribed to the oath of office as administered by the President.

MOTIONS AND RESOLUTIONS

Mr. Coleman introduced—

Senate Resolution No. 1: A Senate resolution naming a Majority Leader and a Minority Leader

BE IT RESOLVED, by the Senate:

That the Senate Majority Leader is Nicholas D. Coleman and the Senate Minority Leader is Robert O. Ashbach.

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

Mr. Coleman introduced—

Senate Resolution No. 2: A Senate resolution relating to the adoption of temporary rules for the 70th session of the legislature.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The permanent rules of the Senate for the 69th session of the Legislature are adopted as the temporary rules for the 70th session to be effective until the adoption of permanent rules by a majority vote of the Senate, subject to the following conditions: Rule 62 shall not be operative.

A resolution or other question before the Senate may be brought to a vote at any time by a majority vote of the members present, and no bill shall be introduced the first day.

The rules referred to above are amended to read as follows:

TEMPORARY RULES OF THE SENATE

PARLIAMENTARY REFERENCE

1. The rules of parliamentary practice comprised in Mason's Manual of legislative procedure shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives. For matters not covered in the foregoing, Jefferson's Manual shall govern the Senate.

HOUR OF CONVENING

2. The Senate shall convene on days of meeting at 12 10 o'clock noon a.m. unless the Senate directs otherwise.

PRESIDENT

3. The President shall take the chair at the hour to which the Senate shall have adjourned, and He shall immediately call the members to order; and, on the appearance of a quorum, shall proceed with the regular order of business. He shall preserve order and decorum; , may speak on points of order in preference to members, and shall also decide all questions of order, subject to

an appeal to the Senate by any a member but such . An appeal shall be is decided by a majority vote of those present and voting thereon . Upon an appeal from the decision of the Chair President , the question shall be is , "Shall the decision of the Chair President be the judgment of the Senate?"

SUBSTITUTES FOR THE PRESIDENT

4. *The President may call a member to preside.* In the absence of the President, the Chairman of the Committee on Rules and Administration, or his designee, shall preside over the Senate ; and . In his the absence of the Chairman, a member may be selected by the Senate to perform the duties of the President ; but . Substitutions shall do not extend beyond adjournment.

ABSENCE OF SENATORS

5. No Senator or officer of the Senate shall be absent himself from any a session of the Senate unless excused by the Senate.

DECORUM DURING BUSINESS

6. When the President puts a question, or addresses the Senate, no one shall walk out of ; or cross the Chamber ; nor . When a member is speaking , no one shall anyone pass between the member speaking and the Chair President . No member, or other person, shall proceed to or remain by the Secretary's desk while the ayes and nays are being called or counted. No member may speak on any point unless he is without using his a microphone.

ORDER OF BUSINESS

7. The order of business shall be is as follows:

1. Petitions, letters, remonstrances.
2. Executive and official communications.
3. Introduction and first reading of Senate bills.
4. Messages from the House of Representatives.
5. First reading of House bills.
6. Reports of committees.
 - (a) From standing committees.
 - (b) From select committees.
7. Second reading of Senate bills.
8. Second reading of House bills.
9. Motions and resolutions.
10. Third reading of Senate bills.
11. Third reading of House bills.
12. *Consent Calendar of Ordinary Matters .*

13. General Orders of the day.
14. Announcements of Senate interest.

Under the order of business of Motions and Resolutions the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

CALENDAR

8. The Secretary shall make a list *Calendar* of all bills, resolutions and other matters coming before the Senate for final action and . *He shall place the same upon them on the Calendar in the order in which they have been acted upon in Committee of the Whole ; with . Senate bills positioned shall be placed ahead of House bills ; and such . The Calendar shall be printed and placed upon the members' desks at least one calendar day before the matters included therein shall be on it are considered.*

CONSENT CALENDAR

9. If a committee determines that a bill it recommends to pass is of a routine nature or otherwise of a nature which likely will not be opposed, it may in its report , recommend that the bill be placed on the *Consent Calendar of Ordinary Matters* . If such the report is adopted, the bill will shall be printed and placed on the *Consent Calendar of Ordinary Matters* after its second reading. On the question of adoption of such the report the question of accepting the recommendation that the bill be placed on the *Consent Calendar of Ordinary Matters* may be divided from the question of adopting the report in other respects.

A majority of the whole Senate may order any a bill on General Orders to be placed on the *Consent Calendar of Ordinary Matters* .

The *Consent Calendar of Ordinary Matters* shall consist consists of bills so placed on it ; Rule 8 will govern it except that such bills will not be first considered in the Committee of the Whole and except as inconsistent with this rule . *Senate bills shall be positioned ahead of House bills. The Consent Calendar shall be printed and placed on the members' desks at least one calendar day before the matters on it are considered.*

If a member objects to consideration of a bill on the *Consent Calendar of Ordinary Matters* at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill will thereby and without further action shall be referred to the *Subcommittee on Bill Scheduling of the Committee of the Whole*, and shall be placed at the bottom of General Orders subject to Rule 11, except that it need not lie over one calendar day before consideration in the Committee of the Whole on Rules and Administration .

SPECIAL ORDERS

10. With respect to a bill on General Orders or on the Calendar, The Chairman of the *Subcommittee on Bill Scheduling* of the

Committee on Rules and Administration, as authorized by the Committee on Rules and Administration *subcommittee*, may designate a special order for ~~that a bill that has been given its second reading~~.

After a time specified by a resolution offered by the Committee on Rules and Administration, the Chairmen of the Committees on Finance and Taxes and Tax Laws, as authorized by their respective committees, may designate a special order for any bill favorably reported by their respective committees.

A special order shall provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

During consideration of a special order, Rule 20 shall be suspended. As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions shall be that of the Committee of the Whole.

On any question any a member may call for the ayes and nays which shall be entered in the Journal.

Unless it is otherwise disposed of, after consideration a bill on Special Orders of the Senate shall immediately proceed to its third reading and final passage.

GENERAL ORDERS

11. The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, which are referred to the Committee of the Whole, and which are not made the order of the day, for any a particular day, and to number the same, which them. The lists shall be are called the "General Orders of the Day" and They shall be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.

Such General Orders, together with all bills included therein on it required to be printed under the rules or orders of the Senate, shall be printed and placed upon the members' desks at least one calendar day before the same shall be being considered in Committee of the Whole.

MOTIONS

12. When a motion is made it shall be stated by the presiding officer, or, being *President*. If it is in writing it shall be handed to the Secretary and read to the members.

13. A motion or amendment shall be written if the presiding officer *President* or any a member so requests. In such that case it must be signed by the member or committee offering it.

14. After a motion is stated by the presiding officer *President*, or read by the Secretary, it shall be deemed to be is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

PRECEDENCE OF MOTIONS

15. When a question is under debate no motion shall be received, except:

1. To adjourn.
2. To recess.
3. To reconsider.
4. To lay on the table.
5. For the previous question.

(Motions numbered 1, 2, 4 and 5 above shall be decided without debate.)

6. To ~~commit~~ refer.
7. To postpone to a day certain.
8. To amend.
9. To postpone indefinitely.

These several motions shall have precedence in the foregoing order; but *when* a motion for the previous question ~~having~~ *has* been seconded, or the main question ordered, a motion to lay on the table shall ~~is not~~ be in order.

A motion to postpone to a day certain, to ~~commit~~ refer, to postpone indefinitely, or to amend, having been decided, shall not again be put on the same day, nor at the same stage of the bill or proposition.

MOTION TO ADJOURN

16. A motion to adjourn shall ~~is~~ always be in order, and also a motion to adjourn to a time certain. The latter motion is debatable *solely as to the time*. When either motion is rejected it shall not be renewed until further business has been transacted.

AMENDMENTS TO RULES AND SUSPENSION OF RULES

17. Every proposition to amend *any a* rule of the Senate shall be referred to the Committee on Rules and Administration, and *The proposition* shall not be acted upon until the report of *such the committee* is received by the Senate; ~~nor shall any~~. A rule shall not be suspended except by at least two-thirds vote of the whole Senate; ~~provided that~~. A motion to suspend the rules for the purpose of advancing a bill shall be made only under the order of business, "Motions and Resolutions."

ORDER IN DEBATE

18. When *any a* member is about to speak in debate, or deliver *any a* matter to the Senate, ~~he~~ *the member* shall rise to his feet and respectfully address himself to "Mr. President," but *The member* shall not proceed to speak further until recognized by the

Chair President . He *The member* shall *confine himself speak* only to the question under debate , and avoid personality. In discussing any a resolution, Senators shall be *are* limited to ten minutes each.

19. When any a member is called to order , he shall sit down *be silent* until it is determined whether or not he is in order or not , and . If a member is called to order for words spoken in debate, the words excepted to shall be taken down in writing by the Secretary immediately.

20. No member shall speak more than twice on the same question on the same day without leave of the Senate.

COMMITTEES NOT TO BE ABSENT

21. Committees shall not *be absent themselves* from the Senate , by reason of their appointment, without permission of the Senate , and . The names of the Senators so excused shall be printed in the Journal.

SENATORS TO VOTE UNLESS EXCUSED

22. Every member of the Senate who is in the Senate Chamber during a roll call shall give his vote upon the request of any Senator unless the Senate, for special reasons, excuses ~~him~~ the member .

A motion by a member to ~~excuse himself~~ *be excused* from voting shall be made before the question is put. Any A member wishing to be excused from voting may make a brief statement of the reason for making such the request and the question on his the motion shall be taken without further debate.

When members have had an opportunity to vote and fail to do so, a majority of all the members elected of the Senate may, by motion, direct the President to close the roll. The vote on such a motion to close the debate shall be taken without debate and no member shall be is required to vote on such the motion.

CALL OF THE SENATE

23. Any A member may impose a call of the Senate requiring the attendance of all members before any further proceedings shall be had occur except a motion to adjourn. Upon the imposition of a call, a record of those present shall be obtained and the Sergeant-at-arms instructed to bring in the absent members. When the Senate has been placed under call, the doors shall be closed and no member permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call be is disposed of, or until the call be is lifted by a majority vote of all the members of the Senate, or until the Senate adjourns. A majority vote of all the members of the Senate may excuse from attendance absent members not answering the call.

A call cannot be made after voting has commenced.

QUESTIONS — HOW STATED AND DECIDED

24. Questions shall be distinctly put in this form, to wit: "As many as are of the opinion that (as the question may be) say, 'Aye,'" and after the affirmative voice is expressed "As many as are of the contrary opinion say, 'No'." The President shall declare all votes but if any a member rise rises to doubt question a vote, he the President shall order a division.

ONLY MEMBERS PRESENT TO VOTE

25. Upon a division and count of the Senate on any a question, only members present in the Senate chamber shall be counted. No member may vote on any a question unless he is except at his the member's own seat in the chamber.

ANY SENATOR MAY DEMAND AYES AND NAYS

26. When a question is being taken At any time prior to the start of voting on a question, any a member may call for the ayes and nays which shall be entered in the Journal. A call for the ayes and nays cannot be interrupted except as provided in Rule No. 22.

AUTHORIZED ELECTRICAL VOTING DEVICE

27. Unless otherwise ordered, any a vote, except upon elections and upon the overriding of a Governor's veto, may be taken by means of the electrical voting system which shall be is under the control of the President of the Senate.

CERTIFICATE FOR MONEY

28. No certificate authorizing the payment of any money appropriated by the Legislature shall be issued by the Secretary, by virtue of any a motion or resolution unless such a the motion or resolution shall be is voted for by a majority of all members of the Senate. All motions or resolutions authorizing the issuing of certificates by the Secretary for the payment of money shall be upon a call of the ayes and nays.

THE PREVIOUS QUESTION

29. Unless the motion for the previous question is made specifically applicable to a subsidiary motion, the previous question shall be in this form:

"Shall the main question be now be put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be is to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order and then upon the main question.

On a motion for the previous question a call of the Senate shall be is in order before the President submits the question to the Senate.

On a previous question there shall be is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending such *the* motion, shall be decided, whether on appeal or otherwise, without debate.

DIVISION OF QUESTION

30. Any A member may call for a division of the question when the same *question* will admit of it. A motion to strike out and insert is indivisible. A motion to strike out being lost shall *does* not preclude an amendment nor a motion to strike out and insert.

RECONSIDERATION

31. When a motion or question has been once put and carried in the affirmative or negative, it shall be *is* in order for any a member who voted with the prevailing side to move for reconsideration thereof, on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion shall ~~take~~ takes precedence over all other questions except a motion to adjourn or recess. When a motion to adjourn is adopted prior to the disposition of the motion for reconsideration, a motion for reconsideration shall lie over until the next succeeding day the Senate meets except as hereinafter provided *in this rule*. When notice of intention to move such reconsideration of the final action of the Senate on any a question shall be *is* given by a member, the Secretary of the Senate shall retain the subject of such *the* notice until after the expiration of the time during which such *the* motion can be made.

During the six calendar days before the first Tuesday following the third Saturday in May of any year a notice of intention to move for reconsideration shall *is* not be in order, but a motion to reconsider may be made and have priority over all other business except a motion to adjourn. A motion for reconsideration having been once voted on shall not be put again nor reconsidered.

INTRODUCTION OF BILLS

32. Bills, memorials, concurrent or joint resolutions may be introduced by any a member or by order of the Senate on a report of a committee. An original and three copies so identified shall be *are* required for introduction. The number of authors shall not exceed three *five*. A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall place *the same it* in the hands of the Secretary of the Senate, and the Secretary of the Senate shall promptly deliver all such *the* bills, memorials or concurrent or joint resolutions to the President of the Senate who shall present them to *the* Senate.

The name of the author or authors shall be prefixed to each bill, memorial or resolution and the name of a committee introducing a bill, memorial or resolution shall be endorsed thereon *on it*.

RECESS BILL INTRODUCTIONS

33. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, any a bill filed with the President of the Senate for introduction shall be given a file number and may be unofficially referred by the Committee on Rules and Administration to an appropriate standing committee of the Senate. All bills filed for introduction during this period shall be presented to the Senate when it reconvenes and shall be referred to the standing committees previously indicated by the Committee on Rules and Administration, subject to objection under Rule 35.

REPORTING OF BILLS

34. Every bill, memorial, order, resolution or vote requiring the approval of the Governor shall be reported to the Senate on three different days previous to its passage. The first report, called the first reading, shall be *is* made when it has been received for introduction; the second report, called the second reading, shall be *is* made when it has been considered by all the necessary standing committees and is ready for debate; the third report, called the third reading, shall be *is* made when it is ready for final passage.

REFERRING OF BILLS

35. All bills shall be referred by the President of the Senate without motion to the proper standing committee unless otherwise referred by the Senate. A bill introduced by a committee need not be referred to a standing committee unless a question arises but rather shall lie over one day before being given its second reading and placed on General Orders. When any a question shall arise *arises* concerning the proper reference of a bill during the order of business of first reading on the day of introduction or at the time of report of any *on it* by a standing committee to which the bill was previously referred, the bill shall be referred without debate to the Committee on Rules and Administration to report the proper reference thereof, and upon adoption of such *the* report, it shall be referred accordingly.

All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than the Committee on Finance, shall, before passage, be referred to the Committee on Finance.

36. No bill or resolution shall be committed *referred to committee* or amended until it has been given its first reading. No bill or resolution shall be objected to on its introduction.

AMENDMENTS TO BE GERMANE

37. No committee nor any member thereof shall report any substitute for any bill or bills referred to such committee, which substitute *An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order.* A non-

germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose than that of the original bill for to which it is reported, or which, if adopted and passed, would require a title essentially different from the title of the original bill ; and every substitute bill so reported shall be rejected whenever the Senate is advised that the same is in violation of this rule proposed. Whether an amendment is germane is a question to be decided by the President, who may put the question to the body if he chooses .

AMENDMENTS TO BILLS

38. In drawing any *an* amendment to any *a* bill or resolution reference shall be made therein, first to the number of the bill, then to the page, and then to the line or lines from which matter is to be stricken or in which new matter is to be inserted.

AMENDMENTS TO TITLE

39. The title to any *a* bill may be amended at any time during its pendency in the Senate.

RECALL FROM COMMITTEE

40. A majority of the Senate may at any time recall a bill from any committee or take a bill from the table and place such bill *it* on General Orders.

By a report of the Committee on Rules and Administration, adopted by the Senate, the Committee on Rules and Administration on request of the first author may remove any *a* bill from any committee and re-refer the same *it* to any other committee or place such bill *it* on General Orders.

DISTRIBUTION AND PRINTING OF BILLS

41. To the extent practical the Secretary of the Senate shall provide a copy of any bill to the public. He may charge a reasonable fee.

Unless otherwise ordered by the Senate, all Senate bills which have been reported upon favorably or without recommendation by a committee shall be printed prior to consideration by the Senate or the Committee of the Whole ; and . A bill may be printed by order of the Secretary of the Senate when amended after second reading. Any *A* bill shall be printed when ordered by a majority vote of the Senate , and . Action by the Senate on a bill which has not been printed is a waiver of the printing requirement.

BILL SCHEDULING

42. All bills, memorials, orders, resolutions and votes requiring the approval of the Governor shall, after a second reading, be referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration, except as provided for in Rule 9. At least every seven calendar days, the subcommittee shall report to

the Senate the bills and other matters recommended by the subcommittee for Senate action, and any subcommittee action taken or proposed on bills and other matters that are recommended to remain in the subcommittee. All matters reported out by the subcommittee shall be placed on General Orders in the order designated by the subcommittee and shall be considered in Committee of the Whole before they shall be finally acted upon by the Senate, except as provided for in Rules 9 and 10.

COMMITTEE OF THE WHOLE

43. The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole. The rules observed in the Senate shall govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chairman of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject, and a call for the previous question cannot be made; and the ayes and nays shall be taken only upon the request of three members. The ayes, and nays when taken shall be recorded in the Journal along with the amendment; provided, however, that a member may, with the approval of the Chairman of the Committee on Rules and Administration, submit a description of the amendment for printing. However, in such those cases the Secretary shall retain in the minutes of the Committee of the Whole the full text of the amendment.

44. The recommendations of the Committee of the Whole shall be reported to the Senate. If the a recommendation contains a proposed amendment of any a bill, that amendment shall be noted on a separate piece of paper but when reported need not be read by the President unless required by one or more of the members. The question shall be is on the adoption or rejection of the report, and no other question shall be admitted. The question may be divided to permit separate Senate action on the report as to any bill. On adoption of the report of the Committee of the Whole all bills recommended to pass shall be placed upon the Calendar.

AMENDMENT ON THIRD READING

45. Except as provided for in Rule 39 and to fill blanks, no amendment shall be received is in order on third reading without the unanimous consent of the Senate. In filling blanks, the largest sum, the longest time and the greatest distance shall be first taken.

MOTION TO REFER

46. A bill or resolution may be committed referred to committee at anytime prior to its passage, and if any an amendment be is reported on such commitment the referral to any other than a Committee of the Whole, it shall be again be read the second time, considered in Committee of the Whole, and the question for read the third reading time and placed on final passage again put. If the commitment be referral is to the Committee of the

Whole it shall be placed at the head of the General Orders, except when the ~~commitment~~ *referral* is under Rule 9.

FINAL PASSAGE

47: The final question upon a bill or other paper *matter* requiring action by both Houses after ~~the~~ *its* first and second reading thereof, and after the consideration in Committee of the Whole, shall be ~~is~~ upon its final passage.

TRANSMITTING OF BILLS TO THE HOUSE

48. Except as provided in Rule 31, immediately after the passage of ~~any a~~ bill or other paper ~~to~~ *matter* in which the concurrence of the House of Representatives is ~~to be asked~~ it shall be the ~~duty of~~ *requested*, the Secretary ~~to~~ shall transmit the same ~~it~~ to the House, and. On the concurrence of ~~any a~~ bill or other paper *matter* of the House of Representatives by the Senate, or on the concurrence or disagreement in ~~any a~~ vote of the House it shall also be the duty of, the Secretary ~~to~~ shall notify the House thereof.

COMPARISON AND SUBSTITUTION OF BILLS

49. Unless there is a motion or objection, a House bill, after its first reading, shall be referred as follows:

(a) If there is a Senate companion bill, the House bill shall be referred to the standing committee possessing the Senate companion;

(b) If there is no Senate companion bill, the House bill shall be referred to the Committee on Rules and Administration, which shall recommend that the bill be referred to the appropriate standing committee;

(c) If the Senate companion bill has been reported to the Senate, the House bill shall be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill, and. If *the bills are* identical, the report shall recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee shall so state and recommend an amendment to the House bill, ~~which amendment~~ *that* when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing ~~such a~~ *the* proposed amendment, the House bill as amended shall be given its second reading and substituted for the Senate companion bill and the Senate companion bill shall be indefinitely postponed.

Reports of the Committee on Rules and Administration pursuant to this rule shall be prepared and submitted on behalf of the committee by the Secretary of the Senate.

A House bill placed on the Calendar by substitution shall not be given its third reading on the same day as the substitution.

ENGROSSING AND ENROLLING OF BILLS

50. All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.

Every bill, memorial, order or resolution originating in the Senate shall be carefully engrossed before being transmitted to the House of Representatives for concurrence.

All bills shall be carefully enrolled under the supervision of the Committee on Rules and Administration, which committee may report to the Senate at any time on the enrollment of bills.

DISPOSITION OF BILLS ON AJOURNMENT

51. Adjournment of the regular session in any an odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that any a bill on the Calendar, *Consent Calendar of Ordinary Matters*, or General Orders shall be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion prior to adjournment. Bills returned to committee pursuant to this rule shall, upon request of the author, be given priority for consideration by the committee ahead of all other bills in the order in which they appeared on the Calendar, *Consent Calendar of Ordinary Matters*, or General Orders.

PETITIONS AND OTHER COMMUNICATIONS

52. In presenting a petition, memorial, remonstrance or other communication addressed to the Senate, a member shall only state the general purpose of it.

Every petition, memorial, remonstrance, resolution, bill and report of committee, shall have an appropriate title, and the name of the member presenting it written thereon *on it*.

RESOLUTIONS

53. Memorial resolutions addressed to the President or the Congress of the United States, or any branch a house or member thereof of Congress, or any a department or officer of the United States, or any a state or foreign government, and resolutions requiring the signature of the Governor shall follow the same procedure as bills before being adopted.

Upon any a member giving notice of his intention to debate any a resolution not requiring the signature of the Governor and not offered by the Committee on Rules and Administration, the same resolution shall lie over one calendar day without debate or other action, except that. Upon the request of any a Senator, the resolution shall be referred to the proper committee, provided that. Whenever any a question shall arise arises concerning the proper reference thereof the procedure provided by Rule 35 shall apply applies.

CONFIRMATIONS

54. Every gubernatorial appointment requiring the advice and consent of the Senate shall be referred by the President of the Senate to the appropriate committee. If a question arises as to the proper committee, the appointment shall be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

The final question on every such *the appointment shall be is*, "Will the Senate, having been advised with *given its advice*, now consent to this appointment?" *which The* question shall not be put the same day the appointment is received, nor on the day it is reported by committee unless by unanimous consent.

SIGNING OF ACTS, RESOLUTIONS

55. In addition to his duties under Rule 3, the President of the Senate shall sign all acts, memorials, addresses and resolutions ; and . All writs, warrants and subpoenas issued by the Senate shall be signed by *him the President* and attested by the Secretary.

APPOINTMENTS OF COMMITTEES

56. The majority and minority shall each be represented on all standing committees of the Senate. The majority group shall assign the number of positions the minority group will hold on each committee. The minority group shall be given adequate notice about its positions prior to the commencement of the session. Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee. The minority group shall transmit notice of its assignments to the majority group within ten calendar days after receipt of the notice of positions available. If the minority group for any reason fails to make its appointments pursuant to this rule, the majority group may make all the committee assignments.

The majority and minority committee assignments ~~shall be~~ *are* subject to the uniform criteria governing committee assignments applicable to both the majority and minority, *which* . The uniform criteria shall be promulgated by the majority group and transmitted to the minority group together with notification of committee positions available to the minority.

Committee assignments as made by the majority and minority groups shall be followed by the Senate in the resolution establishing representation on all Senate standing committees.

After the organization of the Senate, all committees of the Senate and members of commissions to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by a ~~Committee~~ *the Subcommittee on Committees of the Committee on Rules and Administration*, unless otherwise provided, subject to confirmation by the Senate. In the appointment of members of conference committees between the two houses, the ~~Committee~~ *Subcommittee on Committees of the Committee on Rules and Administration* of the Senate shall appoint those who

are in accord with the position of the Senate, and whenever practical, give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

STANDING COMMITTEES

57. The standing committees of the Senate and their complement are as follows:

- Agriculture and Natural Resources — 18*
- Commerce — 15*
- Committee on Committees — 6*
- Education — 18 14*
- Elections — 11*
- Employment — 14*
- Energy and Housing — 14*
- Finance — 20 26*
- General Legislation and Veterans Affairs — 14*
- Governmental Operations — 19*
- Health, Welfare and Corrections — 16 14*
- Judiciary — 15 17*
- Labor and Commerce — 17*
- Local Government — 12 11*
- Metropolitan and Urban Affairs — 16*
- Natural Resources and Agriculture — 15*
- Rules and Administration — 18 21*
- Taxes and Tax Laws — 20 19*
- Transportation and General Legislation — 15 16*

The Committee on Rules and Administration has authority to may constitute a standing Subcommittee on Engrossing and Enrolling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration, and the reference under Rule 49 is made directly to this subcommittee.

The Committee on Rules and Administration may constitute a standing Subcommittee on Bill Scheduling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration, and the reference under Rule 42 is made directly to this subcommittee. The subcommittee shall consist of the Chairman of the Committee on Rules and Administration who shall serve as chairman of the subcommittee, the Vice-chairman of the Committee on Rules and Administration, the President, the chairman of the committees on Finance and on Taxes and Tax Laws, and one member of the minority group.

The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration. The subcommittee shall consist of five members, one of whom shall be a member of the minority group.

Each standing committee of the Senate, including any a subcommittee of any such the committee, is authorized at any time to sit and act, to require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony as it deems advisable. Each such standing committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had held by it, and may make such expenditures as shall be authorized from time to time by the standing Committee on Rules and Administration.

COMMITTEE MEETINGS

58. All meetings of the Senate, its committees and subcommittees shall be open to the public.

To the extent practical, the following notice procedure shall be followed: meetings of all committees shall be announced to the public at least three calendar days prior to convening. The notice shall state the name of the committee, the bill or bills to be considered, the place and time of meeting. Such The notice shall be posted on all Senate bulletin boards in the Capitol, and the State Office Building. A notice shall be sent to the House of Representatives for posting as it may deem necessary.

QUORUM IN COMMITTEE

59. A majority of its members constitutes a quorum of a committee.

REPORT OF VOTE IN COMMITTEE

60. Upon the request of any a member of a committee or subcommittee to which a bill has been referred, or upon the request of the author of any such the bill, a record shall be made of the vote on such the bill in any the committee or subcommittee, including the vote on any amendment or proposed amendment thereto to it, in the committee or subcommittee to which the bill was referred.

Upon request of three members of the committee, the record of any a roll call vote in a standing committee shall accompany the committee report and be printed in the Journal. However, two members may make this request in the Committee on Committees.

COMMITTEE ACTION

61. No report of any committee shall be made to the Senate unless it reports action taken at a regular or special meeting of the Committee. Every A report in violation of this rule shall be

rejected whenever the Senate is advised that the same is in violation of this rule is out of order.

A committee report or a proposed amendment to a bill, memorial or resolution shall be in six copies and written only on one side of the paper.

ADDITIONAL EMPLOYEES

63. All propositions for the appointment and payment of employees of the Senate or for expenditures on account of the Legislature, other than those provided by law, shall be referred to the Committee on Rules and Administration, without debate, and no appointment shall be made or expense incurred unless reported favorably by said the committee, or unless its report be is overruled by a three-fourths ($\frac{3}{4}$) vote of the whole Senate. Said The committee shall report to the Senate the amount of compensation that shall to be paid to each employee whose appointment is recommended by it.

AUTHORITY OVER EMPLOYEES

64. Except as otherwise provided in these rules, the Committee on Rules and Administration shall have has full and exclusive authority over, and charge of all employees, officers and clerks of the Senate both elective and appointive. Such The committee shall have has the sole and exclusive power and authority to assign them to such duties other than for which they were elected or appointed as such the committee may from time to time provide. Such The committee shall have has power to appoint such of said employees, officers or clerks as they shall deem it deems proper to exercise the power to them granted to it by this rule. They The committee may make such rules and regulations for the government of the employees, officers and clerks as they shall see fit and proper. In case of violation of any of the orders an order of said the committee by any an employee, officer or clerk, or in case of any a violation of any such a rule or regulation made by such the committee, or in case of any misconduct or omission of any such by an employee, officer or clerk, the Committee on Rules and Administration shall have power to may hear complaints and to discharge any such the employee, officer or clerk or impose such other punishment by way of fine or otherwise upon such the employee, officer or clerk as to such the committee may seem deems just and proper.

DUTIES OF SECRETARY

65. The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform such other duties as shall be assigned to him as such Secretary. He shall not permit no Journal records, accounts or papers to be taken from the table or out of his custody, other than in the regular mode of business. If any a paper in his charge shall be is missing, he shall report the fact to the President, so that inquiry may be made. He shall superintend the recording of proceedings in the Journal, the engrossing, transcribing and copying of the bills and resolutions, supervise the as-

sistants, clerks, and stenographers under the direction of the Committee on Rules and Administration, and generally perform the duties of Secretary, under direction of the President. It shall be the duty of The Secretary ~~to~~ shall keep the books to be called "Minute Books" in which he shall enter under the appropriate marginal numbers, all Senate and House bills, and correct notes, with the dates thereof, of the state, condition and progress of each bill pending, until its final passage.

The Secretary of the Senate shall cause to be recorded on magnetic tape the proceedings of the Senate, the Committee of the Whole, each standing committee and standing subcommittee. Each tape shall be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred, and . Each tape shall be accompanied by a log showing the number of each bill considered and the places on the tape where consideration of the bill occurred. Within two working days after each day the Senate is in session the Secretary of the Senate shall make a copy of the tape and corresponding log of proceedings of the Senate and the Committee of the Whole and deliver the copies to the Legislative Reference Library. Within two working days after each meeting of a standing committee or standing subcommittee the Secretary of the Senate shall deliver the original tape and corresponding log of the meeting to the Legislative Reference Library. Upon completion and approval of the minutes of the meeting, a copy of the minutes shall be promptly delivered to the Legislative Reference Library. The Secretary of the Senate shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee or standing subcommittee, and the date on which a tape recording of the session or meeting was transmitted to the Legislative Reference Library. The Library shall keep a similar record of all tapes received. The Library shall provide committee staff with reasonable access to Senate tapes and shall provide the public with convenient facilities to listen to the tapes. Copies of Senate tapes shall be available to the public from the Secretary of the Senate, for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy shall be provided free to any a member of the Senate upon request for use in legislative business upon request. The original tape and log of each session of the Senate and the Committee of the Whole shall be kept by the Secretary of the Senate until the end of the period for which the members of the existing House of Representatives have been elected, at which time the tape may be preserved or disposed of as he sees fit. Tapes, logs, and minutes forwarded to the Legislative Reference Library shall be kept by the Library until two years after the end of the period for which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit. It is the intention that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

JOURNAL—HOW APPROVED

66. The Journal of each day's proceedings shall be is open

for correction at any time during the session of the next day the Senate meets ; and . Unless corrected on that day, *the Journal shall stand stands* approved.

SECRETARY MAY CORRECT ERRORS

67. The Secretary and Engrossing Clerk, in all proper cases, shall correct all mistakes in numbering the sections and reference ~~thereto to them~~ , whether ~~such the~~ errors occur in the original bill or are caused by amendments ~~thereto to it~~ .

PURCHASING SUPPLIES

68. The Secretary of the Senate shall be *is* the agent of the Senate for the purchase of supplies. He shall file timely reports of expenditures made with the Committee on Rules and Administration.

DUTIES OF THE SERGEANT-AT-ARMS

69. It shall be the duty of The Sergeant-At-Arms ~~to shall~~ execute all orders of the President of the Senate , and to perform all duties assigned to him connected with the police and good order of the Senate chamber; ~~to exercise~~ supervision over the ingress and egress of all persons to and from the chambers; ~~to see that~~ messages , etc., are promptly ~~executed~~ *delivered* ; see that the hall is properly ventilated and the temperature ~~thereof~~ properly regulated, and *that it is* open for the use of members of the Senate at the time fixed; and ~~to perform~~ all other services pertaining to his office.

PERSONS PRIVILEGED TO THE FLOOR OF THE SENATE

70. No person shall be admitted within the Senate Chamber, but a Senator, the executive or ex-Governors of the State of Minnesota, members of the House, heads of departments of state government, judges of the Supreme and District Courts and members of Congress ~~and when personally admitted by a member of the Senate~~ . Those who have been members of Congress or of the state Legislature who are not interested in any claim or directly in *any a* bill pending before the Legislature , *but may be personally admitted by a member of the Senate*. An employee of either house may be admitted at the request of a member or an officer of the Senate and . When the Senate is not meeting, a person not a member may be admitted *to the floor* at the request of a member or officer ~~to the floor~~ . No public hearings shall be held in the Senate Chamber , and . The retiring room of the Senate shall be *is* reserved for the exclusive use of the members of the Senate at all times. The Sergeant-At-Arms *is* charged with the duty of strict enforcement of *shall strictly enforce* this rule.

PRIVILEGE OF REPORTERS

71. Provision shall be made for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space shall be *is* limited to

those news agencies which have regularly covered the Legislature, namely: The Associated Press, United Press International, St. Paul Pioneer Press, St. Paul Dispatch, Minneapolis Tribune, Minneapolis Star, Duluth Herald and News-Tribune, Rochester Post-Bulletin, WCCO radio and KSTP radio. An additional two spaces shall be provided to other reporters.

One person from each named agency may be present at the press table on the Senate floor at any one time.

Other news media personnel may occupy seats provided in the Senate gallery.

The Committee on Rules and Administration may, through committee action or by delegating such authority to the Secretary of the Senate, allow television filming on the Senate floor on certain occasions.

The committee or its agent may designate a committee of three senior news correspondents to act as an issuing agency for reporters' badges or other credentials.

DISTURBANCE IN LOBBY

72. In case of any a disturbance or disorderly conduct in the lobbies or galleries, the President or chairman of the Committee of the Whole shall have power to may order the same them cleared.

NO INTRODUCTION OF VISITORS

73. No introduction of a visitor or visitors in the galleries shall be made from the floor or rostrum of the Senate.

NO SMOKING

74. No Senator or officer of the Senate, or other person, shall be is permitted to smoke in the Senate Chamber. There shall be no smoking in the visitors section of the galleries.

ETHICAL CONDUCT

75. The Committee Subcommittee on Committees shall appoint a special committee on Ethical Conduct consisting of four members selected, two from the majority and two from the minority.

The committee shall serve in an advisory capacity to any a member or employee upon written request and shall issue recommendations to such the member or employee.

A lobbyist shall not appear before a Senate committee pursuant to his employment unless he is in compliance with the law requiring lobbyist registration, Minnesota Statutes, Sections 10A.03 to 10A.06. A lobbyist when appearing before a committee shall disclose to the committee those in whose interest he speaks and the purpose of his appearance. A lobbyist shall not knowingly furnish false or misleading information or make a false or mis-

leading statement that is relevant and material to any a matter before the Senate or any of its committees when he knows or should know it will influence the judgment or action of the Senate or any of its committees thereon. A lobbyist shall not exert undue influence or expend improper sums of money in connection with any legislation.

The committee shall investigate any a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by any a member or employee of the Senate or any a lobbyist. The committee shall have the powers of a standing committee to issue subpoenas pursuant to Minnesota Statutes, Section 3.153. In order to determine whether there is probable cause to believe that improper conduct has occurred, the committee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the requirements of Rule 58 do not apply. Upon a finding of probable cause, further proceedings on the complaint shall be are open to the public. If, after investigation, the committee finds the complaint substantiated by the evidence, it shall recommend to the Senate appropriate disciplinary action.

Mr. Coleman moved the adoption of the foregoing resolution.

Mr. Jensen moved to amend the resolution on temporary rules as follows:

In Rule 37 strike the last sentence and insert in lieu thereof the following:

"If a member objects to an amendment proposed to the Senate or to the Committee of the Whole on the ground that it is not germane, and that objection is supported by at least nine other members, the presiding officer shall not rule on the objection but shall put the question to the body."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	Renneke	Ulland, J.
Bang	Engler	Kirchner	Sieloff	
Bernhagen	Frederick	Knutson	Sillers	
Brataas	Jensen	Ogdahl	Ueland, A.	

Those who voted in the negative were:

Anderson	Hanson	Lewis	Penny	Staples
Benedict	Hughes	Luther	Perpich	Stokowski
Borden	Humphrey	McCutcheon	Peterson	Strand
Chenoweth	Johnson	Menning	Purfeerst	Stumpf
Chmielewski	Keefe, S.	Merriam	Schaaf	Vega
Coleman	Kleinbaum	Milton	Schmitz	Wegener
Dieterich	Knoll	Nelson	Schrom	Willet
Gearty	Laufenburger	Olhoff	Solon	
Gunderson	Lessard	Olson	Spear	

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

Mr. Jensen then moved to amend the resolution on temporary rules as follows:

In Rule 57, page 26, line 9, strike the word "one" and insert in lieu thereof the word "three".

On page 26, line 14, strike the word "one" and insert in lieu thereof the word "two".

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	Pillsbury	Ueland, A.
Bang	Engler	Kirchner	Renneke	Ulland, J.
Bernhagen	Frederick	Knutson	Sieloff	
Brataas	Jensen	Ogdahl	Sillers	

Those who voted in the negative were:

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

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

Mr. Jensen then moved to amend the resolution on temporary rules as follows:

Rule 56 is amended to read:

APPOINTMENT OF COMMITTEES

56. The majority and minority shall each be represented on all standing committees of the Senate. The majority group shall assign the number of positions to which the minority group will hold is entitled on each committee. The minority group shall be given adequate notice about its positions notified of such positions at least 30 20 days prior to the commencement of the session. Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee. The minority group shall then prepare a list of proposed committee assignments for said minority group and transmit notice of its assignments the same to the majority group within ten calendar days after receipt of the notice of positions available. If the minority group for any reason fails to make its assignments pursuant to this rule, the majority group may make all the committee assignments at least 15 5 days prior to the commencement of the session.

The Majority and minority committee assignments shall be subject to the uniform criteria governing committee assignments

applicable to both the majority and minority, which uniform criteria shall be promulgated by the majority group and transmitted to the minority group together with notification of committee positions available to the minority.

Committee Such minority assignments as made by the majority and minority groups shall be followed by the Senate in the resolution establishing representation on all Senate standing committees.

The minority shall be represented on each committee and subcommittee in at least the number proportional to the number of minority members in the Senate provided, however, that the majority group shall be entitled to a majority of at least two on any committee of 7 or less, three on any committee of 8 to 15 members, four on any committee between 16 and 20 members, and five on any committee of 21 members and over.

After the organization of the Senate, all committees of the Senate and members of commissions to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by a Committee the subcommittee on Committees, of the committee on Rules and Administration, unless otherwise provided, subject to confirmation by the Senate. In the appointment of members of conference committees between the two houses, the Committee Subcommittee on Committees of the Committee on Rules and Administration of the Senate shall appoint those who are in accord with the position of the Senate, and whenever practical, give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	Pillsbury	Ueland, A.
Bang	Engler	Kirchner	Renneke	Ulland, J.
Bernhagen	Frederick	Knutson	Sieloff	
Brataas	Jensen	Ogdahl	Sillers	

Those who voted in the negative were:

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

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

The question recurred on the motion of Mr. Coleman.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 42 and nays 19, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Pillsbury	Sillers
Bang	Engler	Kirchner	Renneke	Ueland, A.
Bernhagen	Frederick	Knutson	Schaaf	Ulland, J.
Brataas	Jensen	Ogdahl	Sieloff	

The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Concurrent Resolution No. 1: A senate concurrent resolution relating to the adoption of temporary joint rules.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring therein:

The joint rules of the Senate and the House of Representatives for the 69th session of the Legislature are adopted as the temporary joint rules of the 70th session, to be effective until the adoption of permanent joint rules by the Senate and House.

Mr. Coleman moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution,

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Resolution No. 3: A Senate resolution relating to employees authorized for the 1977 Session of the 70th Legislature.

BE IT RESOLVED, by the Senate, that the Senate shall employ for the first Session of the 70th Legislature, the following:

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
2	Administrative Assistant I	1 @ \$43.33 1 @ \$54.88
1	Administrative Assistant II	\$68.49
1	Assistant Captain of Pages	\$25.20
1	Assistant Executive Secretary	\$37.09
2	Assistant Public Information Officer	1 @ \$31.59 1 @ \$37.24
2	Assistant Sergeant at Arms	\$27.45
1	Captain of Pages	\$27.43
1	Chaplain (Several to serve during Session)	\$25.00
1	Chief Indexer	\$43.33
10	Clerk I	8 @ \$25.65 2 @ \$27.18
13	Clerk Typist I	7 @ \$26.82 6 @ \$28.42
8	Clerk Typist II	5 @ \$27.98 3 @ \$29.65
2	Clerk Typist III	\$30.85
15	Committee Administrative Assistant	7 @ \$42.06 8 @ \$43.33
16	Committee Clerk	10 @ \$26.82 6 @ \$28.42
15	Committee Secretary	7 @ \$34.77 8 @ \$36.80
1	Duplicating Supervisor	\$29.34
1	Engrossing Clerk	\$34.42
1	Engrossing Secretary	\$43.33
2	Executive Secretary	\$44.05
1	First Assistant Secretary of the Senate	\$82.05
3	Fiscal Services Aide	1 @ \$32.88 1 @ \$33.47 1 @ \$34.25
1	Fiscal Services Supervisor	\$43.33
1	Fourth Assistant Secretary of the Senate	\$35.62
3	Indexer	\$29.14

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
4	Legislative Assistant I	1 @ \$33.70 2 @ \$36.80 1 @ \$39.64
3	Legislative Assistant II	1 @ \$43.33 1 @ \$46.99 1 @ \$45.62
4	Legislative Clerk I	\$26.82
7	Legislative Clerk II	3 @ \$27.24 2 @ \$29.65 2 @ \$30.75
2	Legislative Clerk III	\$30.85
5	Legislative Fiscal Analyst	2 @ \$47.95 1 @ \$78.46 1 @ \$79.34 1 @ \$83.57
1	Minority Secretary of the Senate	\$70.56
35	Pages	30 @ \$20.00 5 @ \$22.00
1	Public Information Officer	
13	Researcher	2 @ \$30.14 2 @ \$35.62 1 @ \$36.80 1 @ \$38.36 2 @ \$42.00 2 @ \$45.90 1 @ \$46.58 2 @ \$53.28
1	Second Assistant Secretary of the Senate	\$54.80
25	Secretary	9 @ \$32.54 16 @ \$34.42
1	Secretary to the Majority Leader	\$44.05
1	Secretary to the Minority Leader	\$41.47
1	Secretary of the Senate	\$98.63
12	Senate Counsel	2 @ \$41.10 1 @ \$46.58 1 @ \$49.32 1 @ \$52.06 3 @ \$56.16 1 @ \$58.90 1 @ \$66.27 1 @ \$68.03 1 @ \$80.22

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
10	Senate Researcher	2 @ \$43.53
		1 @ \$44.04
		1 @ \$46.99
		2 @ \$52.06
		2 @ \$54.79
		1 @ \$62.41
		1 @ \$64.33
1	Senate Research Asst. Director	\$69.81
1	Senate Research Director	\$91.78
17	Sergeant	6 @ \$20.00
		11 @ \$22.00
1	Sergeant at Arms	\$35.32
1	Steno Pool Supervisor	\$36.80
22	Stenographer I	14 @ \$27.98
		8 @ \$29.65
22	Stenographer II	8 @ \$30.28
		14 @ \$32.05
1	Third Assistant Secretary of the Senate	\$37.09

Mr. Coleman moved the adoption of the foregoing resolution. The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Resolution No. 4: A Senate resolution appointing personnel to respective positions for the 1977 Session of the Minnesota State Senate at the salaries heretofore established.

BE IT RESOLVED, by the Senate, that the following named persons be and they hereby are appointed for the Session to the respective positions hereinafter stated and at the salaries of the respective positions heretofore established:

POSITION	NAME
Administrative Assistant I	James Greenwalt
Administrative Assistant II	John Kaul
Assistant Captain of Pages	Douglas Dahl
Assistant Executive Secretary	Natalie Kray
Assistant Public Information Officer	Karen Clark Charles Geer
Captain of Pages	Pamela Selbitschka
Chief Indexer	Ardis Schulz
Clerk I	Ernst Ferrozzo Curvin Krumm Thomas Kukielka Mary Rengel John Stieger Helen Stryski Randon Walker Charles Wallace
Clerk Typist I	Delores Barry Helen Donahue Theresa Gran Susan Hartfiel Mary Kennedy Elaine Lossie Ora Lee Patterson
Clerk Typist II	Vicki Block Lucie Gebhardt Mary Guignon Laura Selbitschka
Committee Administrative Assistant	Mark Andrew Larry Bye James Campbell Constance Chamberlain Steve Chapman Richard Holte Kelvin Johnson Lucy Johnson Mark Karnowski Janet Lund Carl Norberg Adelaide O'Brien Michael Robertson Linda Schutz Dale Ulrich
Committee Clerk	Gerald Anderson Mary Aldrich Richard Beeson, Jr. Mary Ann Carver

POSITION	NAME
Committee Clerk-(Cont'd)	Joan Godeke Paul Hyduke Janet Kampf Nelsene Karns James Krave Kathleen Murphy Eleanor Nash Delois Neal Mary Lyn Uhl Roger Zahn
Committee Secretary	Sandra Brown Joyce Bukosky Josephine Dario Bonnie Featherstone Martha Gordon Margaret Kormendy Helen Lyons Phyllis Meryhew Mary Mogush Fern Oveson Dagny Swanson LaVerne Swanson Ardella Tischler Sherry Tyler Sandra Wendt
Duplicating Supervisor	David Vail
Executive Secretary	Dorothy Jung Sandra Read
Fiscal Services Aide	LaVonne Gangl Deborah Getter Mary S. Lee
Fiscal Services Supervisor	Joyce Kleinschmidt
Fourth Assistant Secretary of the Senate	Steven Goff
Indexer	Lois Lenroot-Ernt Jean Schmidt Ann-Louise Taylor
Legislative Assistant I	Denise Anderson Gene Nelson
Legislative Assistant II	Connie Dabelow Diane Hendrickson Karen Stack
Legislative Clerk I	Mary Bothwell Rickey Moore

POSITION	NAME
Legislative Clerk II	John Anderson
	Charles Fastner
	Allan Finnegan
	Sandra Greeley
Legislative Fiscal Analyst	Patrick Born
	David Buelow
	Earl Evenson
	Harold T. Miller
	Christine Merritt
Minority Secretary of the Senate Page	George G. Goodwin
	Wendy Adler
	Andrew Aho
	Cindy Amon
	Joyce Anderson
	Colleen Barry
	Brad Campbell
	Mary Engstrom
	Gary Fritz
	James Fuchs
	Rebecca Hake
	Michelle Herron
	Laurie Hughes
	Stephen Judge
	Joel Levenson
	Brad Lundell
	Catherine McLaughlin
	George Meinz
	Phillip Mettling
	Jerome Murphy
	William Murray
	Ann Nevin
	Joseph Peterson
	Mary Pohl
	Sue Purdy
	David Scattarella
	Patricia Thorup
Janet Zetah	
Public Information Officer Researcher	Gary Bastian
	Frank Fly
	Kathleen Gagne
	Marcia Greenfield
	Patrick Hirogoyen
	Ray Joachim
	David Karpinski
	Terri Keefe
	Steven Lindgren
	John Meusey
	Mary Jane O'Keefe
Robert Renner	

POSITION	NAME
Secretary	Patti Amador JoAnne Blockey Mary Catlin Laurel Carlson Elizabeth Chesebrough Lois DeLong Eleanor Dierckins Joanne Garcia Lorraine Hartman Maxine Hipkins Emma Holm Stella Hough Patricia Huiras Ellen LaValla Margaret McShea Barbara Martin Joan Perkins Ruth Peterson Sharon Rother Patti Ryan Dolores Schuna Cara Torseth Jane Van Avery
Secretary to the Majority Leader	Shirley Cardwell
Secretary to the Minority Leader	Romaine Houle
Senate Counsel	Jay BenAnav Janel Bush Thomas Deans James Dinerstein John Ellefson Larry Fredrickson Diane Heins Gary Johnson Patricia Johnson Thomas Triplett Peter Wattson Alan Williams
Senate Researcher	Roger Bergerson Gary Botzek David Giel Stephen Korstad Joyce Krupey Peter Jay Kiedrowski Jerome Miranowski Richard Sevra Dwight Smith
Senate Research Assistant Director	Robert Lacy
Senate Research Director	William Riemerman

POSITION

NAME

Sergeant

Richard Conway
 Jerome Coughlin
 James Darrell
 Ralph Graham
 Robert Graham
 Otto Haase
 Alois Marek
 Daniel Orsello
 Marvin Raiola
 Aaron Rivers
 Sam Roiblatt
 Mary Russell
 Judy Walk
 Robert Wold
 Willard Zell

Steno Pool Supervisor

Mary Turk

Stenographer I

Eleanor Bentz
 Barbara Bourman
 Vicky Carlson
 Judith Graham
 Betty Derrick
 Kathleen Franey
 Violet Geer
 Margaret Howe
 Betty Kustelski
 Cynthia Leclerc
 Patricia Ness
 Louise Simensen
 Celia Swanson
 Delores Tautges

Stenographer II

Beatrice Banet
 Doris Bronkar
 Virginia Engelhard
 Debra Kasper
 Rhoda Parker
 Yvonne Ringgold
 Bernice Schneider
 Joanne Stassen
 Anna Steffel
 Judy Swanholm
 Shirley Traxler
 Debra Unger
 Joyce Van Guilder
 Marion Vogel
 Mary Wagner

Third Assistant Secretary of
the Senate

Patrice Urman

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

Mr. Coleman introduced—

Senate Resolution No. 5: A Senate resolution relating to a committee on mileage.

BE IT RESOLVED, by the Senate, that the following named persons are appointed as a committee on mileage:

Messrs. Laufenburger; Keefe, S. and Sieloff

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

Mr. Coleman introduced—

Senate Concurrent Resolution No. 2: A Senate concurrent resolution relating to parking space on the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring therein:

The custodian of the Capitol is directed to reserve all parking space necessary on the Capitol grounds, Capitol Approach and Aurora Avenue for the use of the members and staff of the Legislature for the 70th session of the Legislature, allowing reasonable space for parking to the general public having business at the Capitol. The Committee on Rules and Administration of the Senate and the Committee on Rules and Legislative Administration of the House of Representatives are authorized to designate necessary personnel to assist the custodian of the Capitol in this matter.

The Secretary of the Senate and the Chief Clerk of the House of Representatives are authorized to deduct from the check of any legislator or legislative employee in each year of the 70th session of the Legislature a sum adequate to cover the exercise of the parking privilege herein defined in conformity with the practice of the department of administration.

Mr. Coleman moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

Anderson	Dieterich	Jensen	Lessard	Nichols
Ashbach	Dunn	Johnson	Lewis	Ogdahl
Bang	Engler	Keefe, J.	Luther	Olhoft
Benedict	Frederick	Keefe, S.	McCutcheon	Olson
Bernhagen	Gearty	Kirchner	Menning	Penny
Brataas	Gunderson	Kleinbaum	Merriam	Perpich
Chenoweth	Hanson	Knoll	Milton	Peterson
Chmielewski	Hughes	Knutson	Moe	Pillsbury
Coleman	Humphrey	Laufenburger	Nelson	Purfeerst

Renneke	Sikorski	Staples	Tennessee	Wegener
Schaaf	Sillers	Stokowski	Ueland, A.	Willet
Schmitz	Solon	Strand	Ulland, J.	
Sieloff	Spear	Stumpf	Vega	

The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Resolution No. 6: A Senate resolution relating to standing committees.

BE IT RESOLVED, by the Senate:

There shall be the following named standing committees of the Senate for the 70th session, composed of the number of members set opposite the name of each committee, and composed of the members whose names are herein listed:

AGRICULTURE AND NATURAL RESOURCES (18)

Willet, Chairman	Merriam
Schrom, Vice Chairman	Nichols
Benedict	Olson
Bernhagen	Penny
Dunn	Peterson
Engler	Renneke
Hanson	Strand
Lessard	Ulland, J.
Luther	Wegener

COMMERCE (15)

Tennessee, Chairman	Jensen
Spear, Vice Chairman	Johnson
Ashbach	Kleinbaum
Bang	Laufenburger
Borden	Penny
Brataas	Sikorski
Davies	Solon
Dieterich	

EDUCATION (14)

Hughes, Chairman	Knutson
Stumpf, Vice Chairman	Merriam
Anderson	Nichols
Dieterich	Sillers
Dunn	Stokowski
Gunderson	Strand
Humphrey	Ueland, A.

ELECTIONS (11)

Gearty, Chairman	Moe
Stokowski, Vice Chairman	Pillsbury
Coleman	Schaaf
Jensen	Schmitz
Johnson	Ueland, A.
Keefe, S.	

EMPLOYMENT (14)

Laufenburger, Chairman	Luther
Milton, Vice Chairman	Nichols
Bang	Pillsbury
Brataas	Purfeerst
Frederick	Staples
Keefe, S.	Vega
Kleinbaum	Willet

ENERGY AND HOUSING (14)

Anderson, Chairman	Nelson
Knoll, Vice Chairman	Ogdahl
Benedict	Olhoft
Bernhagen	Sillers
Chenoweth	Staples
Humphrey	Stumpf
Menning	Ulland, J.

FINANCE (26)

Moe, Chairman	Luther
Lewis, Vice Chairman	Menning
Anderson	Milton
Ashbach	Ogdahl
Borden	Perpich
Chenoweth	Pillsbury
Dunn	Purfeerst
Hughes	Renneke
Humphrey	Solon
Keefe, J.	Spear
Keefe, S.	Stumpf
Kirchner	Tennessee
Kleinbaum	Willet

GENERAL LEGISLATION AND VETERANS AFFAIRS (14)

Olson, Chairman	Lessard
Chmielewski, Vice Chairman	Perpich
Dunn	Schmitz
Gearty	Schrom
Gunderson	Sieloff
Hughes	Staples
Keefe, J.	Ueland, A.

GOVERNMENTAL OPERATIONS (19)

Chenoweth, Chairman	Knutson
Schaaf, Vice Chairman	McCutcheon
Ashbach	Nelson
Benedict	Nichols
Borden	Ogdahl
Kirchner	Penny
Knoll	Peterson

Renneke
Stokowski
Strand

Ulland, J.
Vega

HEALTH, WELFARE AND CORRECTIONS (14)

Perpich, Chairman
Solon, Vice Chairman
Brataas
Gunderson
Keefe, J.
Kirchner
Knutson

Lewis
Milton
Nelson
Olhoft
Sikorski
Staples
Vega

JUDICIARY (17)

Davies, Chairman
Merriam, Vice Chairman
Bernhagen
Dieterich
Hanson
Keefe, J.
Knoll
Knutson
Lessard

McCutcheon
Nelson
Sieloff
Sikorski
Sillers
Spear
Strand
Tennessen

LOCAL GOVERNMENT (11)

Wegener, Chairman
Schmitz, Vice Chairman
Benedict
Chmielewski
Engler
Gunderson

Menning
Olhoft
Renneke
Schrom
Ueland, A.

RULES AND ADMINISTRATION (21)

Coleman, Chairman
Borden, Vice Chairman
Anderson
Ashbach
Chenoweth
Davies
Frederick
Gearty
Hughes
Jensen
Laufenburger

McCutcheon
Moe
Ogdahl
Olson
Perpich
Pillsbury
Purfeerst
Tennessen
Wegener
Willet

TAXES AND TAX LAWS (19)

McCutcheon, Chairman
Olhoft, Vice Chairman
Bang
Bernhagen

Chmielewski
Davies
Dieterich
Frederick

Hanson
 Jensen
 Johnson
 Merriam
 Olson
 Peterson

Schaaf
 Schrom
 Sillers
 Stokowski
 Wegener

TRANSPORTATION (16)

Purfeerst, Chairman
 Penny, Vice Chairman
 Bang
 Chmielewski
 Engler
 Frederick
 Gearty
 Kirchner

Laufenburger
 Lessard
 Lewis
 Schaaf
 Schmitz
 Sieloff
 Sikorski
 Vega

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

Mr. Coleman introduced—

Senate Resolution No. 7: A Senate resolution relating to postage.

BE IT RESOLVED, by the Senate:

For the 1977 session of the 70th Legislature, the Secretary of the Senate is authorized to purchase postage to furnish each member of the Senate 2,000 stamps and that each member named as chairman of a standing committee in the Senate resolution designating committee assignments, be furnished with an additional 1,000 stamps for the necessary business of such committee.

An additional postage allowance of 1,000 stamps is authorized for the Minority Leader of the Minnesota State Senate, 1977 session, Mr. Ashbach, and for the Assistant Majority Leader, 1977 session, Mr. Borden.

Each member of the Senate shall receipt to the Secretary of the Senate for postage so received.

Mr. Coleman moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

Anderson	Chmielewski	Gunderson	Keefe, S.	Lewis
Ashbach	Coleman	Hanson	Kirchner	Luther
Bang	Dieterich	Hughes	Kleinbaum	McCutcheon
Benedict	Dunn	Humphrey	Knoll	Menning
Bernhagen	Engler	Jensen	Knutson	Merriam
Brataas	Frederick	Johnson	Laufenburger	Milton
Chenoweth	Gearty	Keefe, J.	Lessard	Moe

Nelson	Perpich	Sieloff	Staples	Ueland, A.
Nichols	Peterson	Sikorski	Stokowski	Ulland, J.
Ogdahl	Purfeerst	Sillers	Strand	Vega
Olhoft	Schmitz	Solon	Stumpf	Wegener
Penny	Schrom	Spear	Tennessee	Willet

The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Resolution No. 8: A Senate resolution relating to appointment of a committee to notify the Governor the Senate is organized.

BE IT RESOLVED, by the Senate:

The President of the Senate shall appoint a committee of seven to act with a similar committee of the House of Representatives to notify the Honorable Rudy Perpich, Governor of the State of Minnesota, that the Senate and House of Representatives are now fully organized pursuant to law and ready to receive any message he may desire to give them.

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

APPOINTMENTS

Pursuant to the foregoing resolution, the President of the Senate made the following appointments:

Messrs. Purfeerst; Benedict; Engler; Nelson; Vega; Ulland, J. and Mrs. Staples.

Mr. Coleman introduced—

Senate Resolution No. 9: A Senate resolution relating to informing the House of Representatives that the Senate is organized.

BE IT RESOLVED, by the Senate:

The Secretary of the Senate shall inform the House of Representatives that the Senate is now organized.

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

Mr. Coleman introduced—

Senate Resolution No. 10: A Senate resolution relating to appointment of a committee to escort the Governor to the House Chamber for a Joint Convention.

BE IT RESOLVED, by the Senate:

The President of the Senate shall appoint a committee of seven members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Rudy Perpich, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, January 5, 1977, at 12:00 o'clock noon.

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

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following appointments:

Messrs. Perpich; Purfeerst; Benedict; Engler; Nelson; Vega; Ulland, J. and Mrs. Staples.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House of Representatives of the State of Minnesota is now duly organized pursuant to Law with the election of the following officers:

Martin O. Sabo, Speaker

Edward A. Burdick, Chief Clerk

Betty M. Hayenga, First Assistant Chief Clerk

Daniel L. Kane, Second Assistant Chief Clerk

Paige Piper, Postmaster

M. J. Hedstrom, Assistant Sergeant at Arms

Julie Roles, Assistant Sergeant at Arms

Shirley Tschida, Assistant Sergeant at Arms

Stephen E. Fischer, Index Clerk

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 4, 1977

Mr. President:

I have the honor to inform the Senate that the House of Representatives is duly organized pursuant to Law and invites and is ready to meet with the Senate at 11:45 a.m., Wednesday, January 5, 1977, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota, said message to be delivered at 12:00 noon.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 4, 1977

Mr. Coleman moved that the Senate accede to the request of the House of Representatives to meet in Joint Convention in the House Chamber at 11:45 a.m. Wednesday, January 5, 1977 to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota. The motion prevailed.

Mr. President:

I have the honor to announce that the House has appointed a committee of seven members of the House to act with a like committee on the part of the Senate to notify the Governor that the House of Representatives and the Senate of the State of Minnesota are duly organized pursuant to Law and are ready to receive any message that he may have.

Eckstein, Spanish, Haugerud, Scheid, Biersdorf, Begich, and Zubay have been appointed to such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted January 4, 1977

Mr. President:

I have the honor to announce that the House has appointed a committee of seven members of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber, Wednesday, January 5, 1977, at 12:00 noon.

Prahl, Lemke, Swanson, Pleasant, Battaglia, Lehto, and Dean have been appointed as members of such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted January 4, 1977

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman introduced—

Senate Resolution No. 11: A Senate resolution relating to the schedule of standing committee meetings.

BE IT RESOLVED, by the Senate:

The standing committees shall meet during the 70th Legislature according to the following schedule:

SENATE COMMITTEE SCHEDULE 1977 Session

Committee	Chairman	Office Room Number	Direct Line Number	Hearing Room Number	Hour
MONDAY					
					296-
Employment	Laufenburger	235	8865	118	8-10 A.M.
Judiciary	Davies	27	4841	112	8-10 A.M.
Local Government	Wegener	328	4150	15	8-10 A.M.
Floor Session		Senate Chamber			10-12 Noon
Floor Session		Senate Chamber			1- 3 P.M.
Education*	Hughes	328	4185	118	1- 3 P.M.
Transportation*	Purfeerst	323	4186	112	1- 3 P.M.
Taxes and Tax Laws	McCutcheon	29	4839	112	3- 6 P.M.
Finance	Moe	121	6436	15	3- 6 P.M.

SENATE COMMITTEE SCHEDULE—(Cont'd)
1977 Session—(Cont'd)

Committee	Chairman	Office Room Number	Direct Line Number	Hearing Room Number	Hour
TUESDAY					
			296-		
Education	Hughes	328	4185	118	8-10 A.M.
Transportation	Purfeerst	323	4186	112	8-10 A.M.
Commerce	Tennessee	309	4158	112	10-12 Noon
Energy and Housing	Anderson	303	8864	118	10-12 Noon
Governmental Operations	Chenoweth	205	4175	118	1- 3 P.M.
General Legislation and Veterans Affairs	Olson	325	8863	112	1- 3 P.M.
Health, Welfare and Corrections	Perpich	303	4151	118	3- 6 P.M.
Elections	Gearty	235	8866	112	3- 6 P.M.
Agriculture and Natural Resources	Willet	205	4157	15	3- 6 P.M.
WEDNESDAY					
Employment	Laufenburger	235	8865	118	8-10 A.M.
Judiciary	Davies	27	4841	112	8-10 A.M.
Local Government Caucus Meetings	Wegener	328	4150	15	8-10 A.M. 10-12 Noon
Governmental Operations	Chenoweth	205	4175	118	1- 3 P.M.
General Legislation and Veterans Affairs	Olson	325	8863	112	1- 3 P.M.
Taxes and Tax Laws	McCutcheon	29	4839	112	3- 6 P.M.
Finance	Moe	121	6436	15	3- 6 P.M.
THURSDAY					
Education	Hughes	328	4185	118	8-10 A.M.
Transportation	Purfeerst	323	4186	112	8-10 A.M.
Floor Session			Senate Chamber		10-12 Noon
Floor Session			Senate Chamber		1- 3 P.M.
Commerce*	Tennessee	309	4158	112	1- 3 P.M.
Energy and Housing*	Anderson	303	8864	118	1- 3 P.M.
Health, Welfare and Corrections	Perpich	303	4151	118	3- 6 P.M.
Elections	Gearty	235	8866	112	3- 6 P.M.
Agriculture and Natural Resources	Willet	205	4157	15	3- 6 P.M.
FRIDAY					
Employment	Laufenburger	235	8865	118	8-10 A.M.
Judiciary	Davies	27	4841	112	8-10 A.M.
Local Government	Wegener	328	4150	15	8-10 A.M.
Commerce	Tennessee	309	4158	112	10-12 Noon
Energy and Housing	Anderson	303	8864	118	10-12 Noon
Governmental Operations	Chenoweth	205	4175	118	1- 3 P.M.
General Legislation and Veterans Affairs	Olson	325	8863	112	1- 3 P.M.
Taxes and Tax Laws	McCutcheon	29	4839	112	3- 6 P.M.
Finance	Moe	121	6436	15	3- 6 P.M.
ON CALL					
Rules and Administration	Coleman	208	4196/2204		

*To Be Scheduled If No Conflict With Session Time

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

Mr. Coleman introduced—

Senate Resolution No. 12: A Senate resolution relating to the Horizons II program.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall pay from the legislative expense fund of the Senate to the State Planning Agency the sum of \$20,000, representing the Senate's share of the cost of presenting the Horizons II program to the Legislature.

Mr. Coleman moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

Anderson	Gearty	Kleinbaum	Moe	Sikorski
Ashbach	Gunderson	Knutson	Nichols	Sillers
Bang	Hanson	Laufenburger	Olhoff	Solon
Bernhagen	Hughes	Lessard	Olson	Spear
Brataas	Humphrey	Lewis	Penny	Stokowski
Chmielewski	Jensen	Luther	Perpich	Strand
Coleman	Johnson	McCutcheon	Peterson	Stumpf
Dieterich	Keefe, J.	Menning	Schmitz	Ueland, A.
Dunn	Keefe, S.	Merriam	Schrom	Wegener
Frederick	Kirchner	Milton	Sieloff	Willet

The motion prevailed. So the resolution was adopted.

Mr. Coleman moved that the Senate do now adjourn until 11:30 o'clock a.m., Wednesday, January 5, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SECOND DAY

St. Paul, Minnesota, Wednesday, January 5, 1977

The Senate met at 11:30 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

Bang	Gunderson	Nelson	Schmitz	Ueland, A.
Chenoweth	Hughes	Nichols	Schrom	Ulland, J.
Chmielewski	Johnson	Olhoft	Sieloff	Vega
Coleman	Keefe, S.	Olson	Sikorski	Wegener
Davies	Kleinbaum	Penny	Solon	Willet
Dieterich	Knoll	Perpich	Spear	
Dunn	Laufenburger	Peterson	Staples	
Engler	Luther	Purfeerst	Strand	
Gearty	Menning	Schaaf	Stumpf	

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

Prayer was offered by the Chaplain, Rev. Dave S. Schneider.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Borden, McCutcheon and Tennesen were excused from the Session of today.

**REPORTS AND RESOLUTIONS FILED DURING THE INTERIM
WITH THE SECRETARY OF THE SENATE**

Various reports were filed during the 1976 interim by Retirement and Relief Associations and are filed in the office of the Secretary of the Senate; also reports made by the Legislative Audit Commission on various state institutions and boards; Central Minnesota Regional Development Commission, Annual Report, 1975; Minnesota Department of Corrections, 1975; Six East Regional Development Commission, Annual Report, January 1, 1975 through December 31, 1975; Metropolitan Transit Commission, Annual Report, 1976; Department of Employment Services, State Summer Youth Employment Program, 1975; The Impact of Fluctuating School Enrollments on Minnesota's Educational System, 1976; Minnesota Pollution Control Agency, Water Pollution Control Funds for Financial Aid Programs; Commission on Minnesota's Future, Health Services in Minnesota, 1975; Legislative Commission on Pensions and Retirement; Commission on Minnesota's Future, Housing in Minnesota, 1976; Minnesota Task Force on Correctional Institutions, 1976; Department of Finance, Quarterly Financial Report; State Treasurer, Condition of the Treasury; Minnesota Environmental Quality Council, Power Plant Siting Program; Southeastern Minnesota Regional Development Commission, Annual Report, 1975; Minneapolis Teachers' Retirement Fund Association, Sixty-Sixth Annual Report of the Board of Trustees, 1975; Department of Public Safety, Bureau of Criminal Apprehension, Minnesota Crime Information, 1975; Board of Architecture, Engineering and Land Surveying, 1976; Board of Boxing, 1976; Board of Barber Examiners, 1976; State Treasurer's Report on the Condition of the Treasury, 1976; Department of Natural Resources, Classification of Outdoor Recreation Lands; Board of Accountancy, 1976; Board of Private Detective and Protective Agent Services; Board of Cosmetology, 1976; Board of Assessors, 1976; Board of Podiatry, 1976; Board of Chiropractic Examiners, 1976; Board of Optometry, 1976; Board of Pharmacy, 1976; Board of Dentistry, 1976; Board of Examiners for Nursing Home Administrators, 1976; Board of Psychology, 1976; Capitol Area Architectural and Planning Board, years ended June 30, 1974, 1975, and 1976; Department of Labor and Industry, Biennial Report, July 1, 1974 through June 30, 1976; Report of the Indian Affairs Intertribal Board, 1976; Commissioner of Personnel, Report of Pay Range Assignments of Doctors of Medicine; Commissioner of Personnel, Report on State Employee Life and Health Benefits; Legislative Commission on Minnesota Resources, 1975-77; Council on Quality Education, 1976-77; State Board of Health, Report on Maternal and Child Nutrition Program; Board of Teaching, 1976; Board of Nursing, 1976; Board of Electricity, 1976; Department of Agriculture, Biennial Report, July 1, 1974 through June 30, 1976; Public Employees Retirement Association, Experience Study; Report of Revisor of

Statutes, Concerning Certain Opinions of the Supreme Court, 1976; Board of Abstractors, 1976; Actuarial Valuation of the Minnesota State Judges' Retirement Fund, 1976; Actuarial Valuation of the Minnesota State Retirement System, 1976; Actuarial Valuation Report of the Minnesota Highway Patrol Officers' Retirement Association, 1976; Board of Medical Examiners, 1976; Department of Administration, Summary Reports of the Non-Health Related Board's Biennial Reports and the Reports of their Servicing Departments; Department of Public Safety, Registrar of Motor Vehicles; Northwest Regional Development Commission and West Central Regional Development Commission, Fergus Falls State Hospital Study, Coordination Report; Final Report of the Legislative Privacy Study Commission.

MESSAGES FROM THE HOUSE

Mr. President:

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

House Concurrent Resolution No. 1: A House concurrent resolution relating to adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 4, 1977

House Concurrent Resolution No. 1: A House concurrent resolution relating to adjournment.

Be It Resolved, by the House of Representatives, the Senate concurring, that when either the House of Representatives or the Senate adjourns on January 5, 1977, it may adjourn to any date not later than January 10, 1977.

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

RECESS

Mr. Coleman moved that the Senate do now recess until after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appointed time.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

Senate Concurrent Resolution No. 1: A Senate concurrent resolution relating to the adoption of temporary joint rules.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 4, 1977

Mr. President:

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

Senate Concurrent Resolution No. 2: A Senate Concurrent Resolution relating to parking space on the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned January 4, 1977

MOTIONS AND RESOLUTIONS

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, January 6, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRD DAY

St. Paul, Minnesota, Thursday, January 6, 1977

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

CALL OF THE SENATE

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

Bang	Gunderson	Lessard	Peterson	Staples
Benedict	Hanson	Lewis	Pillsbury	Stokowski
Bernhagen	Hughes	Luther	Purfeerst	Strand
Brataas	Humphrey	McCutcheon	Renneke	Stumpf
Chmielewski	Johnson	Menning	Schaaf	Ueland, A.
Coleman	Keefe, S.	Nelson	Schmitz	Ulland, J.
Dieterich	Kirchner	Ogdahl	Schrom	Vega
Dunn	Kleinbaum	Olhoff	Sieloff	Willet
Engler	Knoll	Olson	Sikorski	
Frederick	Knutson	Penny	Sillers	
Gearty	Laufenburger	Perpich	Solon	

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

Prayer was offered by the Chaplain, Rev. Dave S. Schneider.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Borden, Jensen, Milton, Moe, Nichols, Spear and Tennesen were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

December 14, 1976

President of the Senate
State of Minnesota

Dear Sir:

The following appointment as Commissioner of the State Department of Personnel is hereby respectfully submitted to the Senate for confirmation as required by law:

Richard W. Session, 4401 Heritage Hills Drive, Bloomington, Hennepin County, has been appointed by me, effective April 19, 1976, for a term expiring January 1, 1979.

Referred to the Committee on Governmental Operations.

December 14, 1976

The following appointment to the State Personnel Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Norvin "Red" Swager, 102 Lakeside Drive, Stillwater, Washington County, has been appointed by me, effective April 23, 1976, for a term expiring January 1, 1979.

Referred to the Committee on Governmental Operations.

December 14, 1976

The following appointment to the State Board for Community Colleges is hereby respectfully submitted to the Senate for confirmation as required by law:

Mrs. Kathryn C. Vander Kooi, Route 1, Luverne, Rock County, has been appointed by me, effective May 3, 1976, for a term expiring July 1, 1977.

Referred to the Committee on Education.

December 14, 1976

The following appointments to the State Board of Health are hereby respectfully submitted to the Senate for confirmation as required by law:

Ms. Thaloyce Wells, 886 Fuller Avenue, St. Paul, Ramsey County, has been appointed by me, effective May 3, 1976, for a term expiring January 1, 1978.

Dr. Van S. Lawrence, 2010 James Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective May 3, 1976, for a term expiring January 1, 1980.

Referred to the Committee on Health, Welfare and Corrections.

December 14, 1976

The following appointment as Director of the Bureau of Medi-
ation Services is hereby respectfully submitted to the Senate for
confirmation as required by law:

Ernest H. Jones, 307-7th Place, N.W., Austin, Mower County,
has been appointed by me, effective May 3, 1976, for a term ex-
piring March 1, 1977.

Referred to the Committee on Employment.

December 14, 1976

The following appointment to the Crime Victims Reparations
Board is hereby respectfully submitted to the Senate for confirma-
tion as required by law:

Dr. William Kosiak, 5512 Elliot Avenue, Minneapolis, Hennes-
pin County, has been appointed by me, effective May 12, 1976,
for a term expiring January 7, 1980.

Referred to the Committee on General Legislation and Veterans
Affairs.

December 14, 1976

The following appointment to the Metropolitan Council is here-
by respectfully submitted to the Senate for confirmation as
required by law:

Betty Kane, 701 Parkview Terrace, Golden Valley, Hennepin
County, has been appointed by me, effective May 19, 1976, for
a term expiring January 1, 1979.

Referred to the Committee on Governmental Operations.

December 14, 1976

The following appointment to the Public Service Commission
is hereby respectfully submitted to the Senate for confirmation
as required by law:

Richard J. Parish, 2565 Vale Crest Road, Golden Valley,
Hennepin County, has been appointed by me, effective June 1,
1976, for a term expiring January 2, 1980.

Referred to the Committee on Commerce.

December 14, 1976

The following appointment to the University of Minnesota
Board of Regents is hereby respectfully submitted to the Senate
for confirmation as required by law:

Michael W. Unger, 190 North Robie, St. Paul, Ramsey County,
has been appointed by me, effective June 1, 1976, for a term

until a successor is chosen according to Territorial Laws 1851, Chapter 3, Section 6.

Referred to the Committee on Education.

December 14, 1976

The following appointment to the Cable Communications Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Gertrude Ulrich, 7601 Aldrich Avenue South, Richfield, Hennepin County, has been appointed by me, effective June 30, 1976, for a term expiring January 1, 1980.

Referred to the Committee on Commerce.

December 14, 1976

The following appointments to the Metropolitan Airports Commission are hereby respectfully submitted to the Senate for confirmation as required by law:

John A. Peterson, 7109 Newton South, Richfield, Hennepin County, has been appointed by me, effective July 15, 1976, for a term expiring July 1, 1981.

Thomas E. Halloran, 5625 Christmas Lake Point, Shorewood, Hennepin County, has been appointed by me, effective July 15, 1976, for a term expiring July 1, 1981.

Mrs. Gertrude Suel, 1026 South Market, Shakopee, Scott County, has been appointed by me, effective July 15, 1976, for a term expiring July 1, 1981.

Referred to the Committee on Governmental Operations.

December 14, 1976

The following appointments to the Ethical Practices Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Mrs. Connie Burchett, 9849 Zilla Street N.W., Coon Rapids, Anoka County, has been appointed by me, effective July 20, 1976, for a term expiring January 2, 1978.

Roger Noreen, 4684 James Road, Mendota Heights, Dakota County, has been appointed by me, effective April 29, 1976, for a term expiring January 7, 1980.

Referred to the Committee on Elections.

December 14, 1976

The following appointment as Commissioner of the State Department of Transportation is hereby respectfully submitted to the Senate for confirmation as required by law:

R. James Harrington, 2100 West 21st Street, Minneapolis, Hennepin County, has been appointed by me, effective August 1, 1976, for a term expiring January 1, 1979.

Referred to the Committee on Transportation.

December 14, 1976

The following appointments to the State Employees Suggestion Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Robert Elcan, 4908 Dominica Way West, Apple Valley, Dakota County, has been appointed by me, effective September 22, 1976, for a term expiring January 1, 1977.

Francis "Barney" Hage, 223 Selmser Avenue, Cloquet, Carlton County, has been appointed by me, effective July 1, 1976, for a term expiring January 1, 1979.

Linda Ady, 1492 Goodwin Avenue North, St. Paul, Ramsey County, has been appointed by me, effective July 1, 1976, for a term expiring January 1, 1979.

Referred to the Committee on Governmental Operations.

December 15, 1976

The following appointment to the Council on Quality Education is hereby respectfully submitted to the Senate for confirmation as required by law:

Ms. Beverly Smerling, 2552 West Lake of the Isles Boulevard, Minneapolis, Hennepin County, has been appointed by me, effective November 9, 1976 for a term expiring January 2, 1978.

Referred to the Committee on Education.

December 15, 1976

The following appointments to the State Board of Human Rights are hereby respectfully submitted to the Senate for confirmation as required by law:

Ms. Jacqui Thompson, 3400 Third Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective November 9, 1976, for a term expiring January 1, 1979.

Mr. Joseph Bester, 1825 Third Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective November 9, 1976, for a term expiring January 1, 1978.

Ms. Arloa Molstad, Box 83, Gaylord, Sibley County, has been appointed by me, effective November 9, 1976, for a term expiring January 1, 1977.

Referred to the Committee on Governmental Operations.

December 15, 1976

The following appointment as Chief Hearing Examiner of the State Office of Hearing Examiners is hereby respectfully submitted to the Senate for confirmation as required by law:

Mr. Duane R. Harves, 11429 Valley Court, Burnsville, Dakota County, has been appointed by me, effective November 23, 1976, for a term expiring June 30, 1982.

Referred to the Committee on Governmental Operations.

December 15, 1976

The following appointments to the Public Employment Relations Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Mr. Don Bye, 609 West Second Street, Duluth, St. Louis County, has been appointed by me, effective April 5, 1976, for a term expiring January 7, 1980.

Mr. Robert J. Meyer, 1009 Como Place, St. Paul, Ramsey County, has been appointed by me, effective April 5, 1976, for a term expiring January 7, 1980.

Mr. Peter Obermeyer, 707 Mount Curve Boulevard, St. Paul, Ramsey County, has been appointed by me, effective April 5, 1976, for a term expiring January 7, 1980.

Mr. Joseph Flynn, 2605 East Poplar Avenue, St. Paul, Ramsey County, has been appointed by me, effective December 1, 1976, for a term expiring January 1, 1979.

Referred to the Committee on Employment.

December 15, 1976

The following appointment to the State Personnel Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Ms. Barbara Hofstede, 2220 St. Anthony Parkway, Minneapolis, Hennepin County, has been appointed by me, effective December 8, 1976, for a term expiring January 1, 1979.

Referred to the Committee on Governmental Operations.

December 16, 1976

The following appointment to the Water Resources Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Mr. Merlyn B. Knudson, Box 15, Kettle River, Carlton County, has been appointed by me, effective December 15, 1976, for a term expiring January 1, 1980.

Referred to the Committee on Agriculture and Natural Resources.

December 16, 1976

The following appointment to the Cable Communications Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Ms. Mary S. Burich, 541 Juergens Road, Hutchinson, McLeod County, has been appointed by me, effective December 16, 1976, for a term expiring January 1, 1980.

Referred to the Committee on Commerce.

December 16, 1976

The following appointment to the State Board of Health is hereby respectfully submitted to the Senate for confirmation as required by law:

Ms. Beverly Smerling, 2552 West Lake of the Isles Boulevard, Minneapolis, Hennepin County, has been appointed by me, effective December 16, 1976, for a term expiring January 1, 1979.

Referred to the Committee on Health, Welfare and Corrections.

Sincerely,
Wendell R. Anderson, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Luther; Ulland, J. and Dieterich introduced—

S. F. No. 1: A bill for an act relating to solid waste pollution; requiring beverage containers to have certain refund values after a certain date; providing penalties.

Referred to the Committee on Agriculture and Natural Resources. Mr. Ueland, A. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Luther; Sikorski; Ulland, J. and Johnson introduced—

S. F. No. 2: A bill for an act relating to environmental protection; prohibiting sale of milk in non-refillable plastic containers; prescribing penalties.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sikorski introduced—

S. F. No. 3: A bill for an act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician's trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil liability for paramedics and physicians advising or instructing paramedics.

Referred to the Committee on Local Government.

Mr. Anderson introduced—

S. F. No. 4: A bill for an act relating to Independent School District No. 15 and Independent School District No. 911; providing for a transfer of property between the districts.

Referred to the Committee on Education.

Messrs. Olhoft, Bang and Willet introduced—

S. F. No. 5: A bill for an act relating to unemployment compensation; providing for exclusion of certain student work; raising contribution bases; changing of certain benefits; providing disqualifying conditions; providing a penalty; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 12, 25, and 29; 268.06, Subdivisions 5 and 8, and by adding a subdivision; 268.07, Subdivision 2; 268.08, Subdivision 1; 268.09; 268.12, Subdivision 12; and 268.18, Subdivisions 2 and 3.

Referred to the Committee on Employment.

Messrs. Luther, Sikorski, Dieterich, Spear and Johnson introduced—

S. F. No. 6: A bill for an act relating to the regulation of finance charges; territorial application; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

Referred to the Committee on Commerce.

Messrs. Luther; Sikorski; Johnson; Keefe, S. and Chenoweth introduced—

S. F. No. 7: A bill for an act relating to public utilities; prohibiting certain discounts and rate reductions based on volume; providing for refund of overcharges if certain rates become effective before approval by the public service commission; removing construction in progress from rate bases; prohibiting approval of rates which make allowances for certain advertising expenses; delaying implementation of certain rate schedules; amending Minnesota Statutes 1976, Sections 216B.07; 216B.16, Subdivisions 2, 3 and 6, and by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Chenoweth; Schaaf; Keefe, J.; Humphrey and Knoll introduced—

S. F. No. 8: A bill for an act relating to metropolitan government; providing for election of council members; amending Minnesota Statutes 1976, Sections 10A.01, Subdivision 5; 10A.17, Subdivision 3; 10A.20, Subdivisions 3 and 5; 10A.21, Subdivision 1; and 10A.22, Subdivision 5; 473.123; and 473.141, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Chenoweth, Anderson, Ogdahl, Humphrey and Moe introduced—

S. F. No. 9: A bill for an act relating to the operation of shade tree disease control and reforestation programs by local governments; appropriating money; amending Minnesota Statutes 1976, Section 18.023, Subdivisions 1, 1a, 2, 3a and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, Lessard, Willet, Sillers and Menning introduced—

S. F. No. 10: A bill for an act relating to cities; providing for the establishment of tourist information centers; authorizing payments of expenses of governing officers in certain cases; amending Minnesota Statutes 1976, Sections 465.53 and 465.54.

Referred to the Committee on Local Government.

Messrs. Purfeerst and Engler introduced—

S. F. No. 11: A bill for an act authorizing the city of Kenyon to construct, furnish and equip a medical clinic, to lease the medical clinic, to issue general obligation bonds for such purpose; validating action heretofore taken.

Referred to the Committee on Local Government.

Messrs. Kleinbaum and Schrom introduced—

S. F. No. 12: A bill for an act proposing an amendment repealing Article XIII, Section 5, of the Minnesota Constitution; permitting lotteries.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Kleinbaum introduced—

S. F. No. 13: A bill for an act relating to jurisdiction over federal lands; permitting acceptance by the state of retrocession

of jurisdiction over federal lands by federal agencies; amending Minnesota Statutes 1976, Section 1.043.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 7:30 o'clock p.m., Monday, January 10, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FOURTH DAY

St. Paul, Minnesota, Monday, January 10, 1977

The Senate met at 7:30 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Gearty	Lessard	Perpich	Solon
Ashbach	Hanson	Luther	Peterson	Staples
Benedict	Hughes	McCutcheon	Pillsbury	Stokowski
Borden	Johnson	Menning	Schmitz	Stumpf
Chmielewski	Keefe, S.	Merriam	Schrom	Tennessee
Coleman	Kirchner	Nelson	Sieloff	Vega
Dunn	Knoll	Olson	Sikorski	Willet

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

Prayer was offered by the Chaplain, Rev. Dave S. Schneider.

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

Anderson	Gearty	Lessard	Perpich	Staples
Ashbach	Hanson	Luther	Peterson	Stokowski
Benedict	Hughes	McCutcheon	Pillsbury	Strand
Borden	Johnson	Menning	Schaaf	Stumpf
Chenoweth	Keefe, J.	Merriam	Schmitz	Tennessee
Chmielewski	Keefe, S.	Nelson	Schrom	Ueland, A.
Coleman	Kirchner	Nichols	Sieloff	Ulland, J.
Dieterich	Kleinbaum	Olhoft	Sikorski	Vega
Dunn	Knoll	Olson	Sillers	Willet
Engler	Laufenburger	Penny	Solon	

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Bang, Bernhagen, Mrs. Brataas, Messrs. Frederick, Gunderson, Humphrey, Jensen, Knutson, Lewis, Milton, Moe, Ogdahl, Purfeerst, Renneke and Spear were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

January 4, 1977

The Honorable Edward J. Gearty
President of the Senate
State of Minnesota

Dear Sir:

The following appointment to the Minnesota Pollution Control Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Sandra Gardebring, 5224 Park Avenue, Minneapolis, Hennepin County, has been appointed by me, effective January 3, 1977, for a term expiring January 1, 1979.

Referred to the Committee on Agriculture and Natural Resources.

January 7, 1977

This is to inform you that Ms. Beverly Smerling, 2552 West Lake of the Isles Boulevard, Minneapolis, Hennepin County, has resigned from the Council on Quality Education.

I, therefore, respectfully request that the name of Ms. Smerling be removed from Senate consideration.

Referred to the Committee on Education.

January 7, 1977

This is to inform you that Mr. Norvin "Red" Swager, 102 Lakeside Drive, Stillwater, Washington County, has resigned from the State Personnel Board. Please remove his name from Senate consideration.

The letter of December 15, 1976, appointing Ms. Barbara Hofstede, 2220 St. Anthony Parkway, Minneapolis, Hennepin County, to the State Personnel Board, was put forward as a replacement appointment.

Referred to the Committee on Governmental Operations.

Sincerely,

Rudy Perpich, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Kleinbaum and Sikorski introduced—

S. F. No. 14: A bill for an act relating to retirement; mandatory

retirement age for corrections employees; amending Minnesota Statutes 1976, Sections 43.051, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Kleinbaum, Olson, Pillsbury, Hanson and Peterson introduced—

S. F. No. 15: A bill for an act relating to taxation; eliminating the employers excise tax; repealing Minnesota Statutes 1976, Sections 290.031; 290.921; and 290.922.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear; Dieterich; Menning; Ulland, J. and Penny introduced—

S. F. No. 16: A bill for an act proposing an amendment to the Minnesota Constitution, Article VII, Section 6; providing that all eligible voters may hold most elective offices.

Referred to the Committee on Elections.

Messrs. Kleinbaum, Sillers and Hughes introduced—

S. F. No. 17: A bill for an act relating to education; higher education coordinating board; providing for non-citizen students to be eligible for scholarships and grants-in-aid; amending Minnesota Statutes 1976, Section 136A.121, Subdivisions 1 and 2.

Referred to the Committee on Education.

Messrs. Keefe, S.; Laufenburger; Gearty; Schmitz and Ueland, A. introduced—

S. F. No. 18: A bill for an act relating to elections; making false campaign statements unlawful; providing a penalty; amending Minnesota Statutes 1976, Section 210A.03.

Referred to the Committee on Elections.

Messrs. Laufenburger, Johnson, Mrs. Brataas, Messrs. Kleinbaum and Solon introduced—

S. F. No. 19: A bill for an act relating to public utilities; regulating telephone company rates; amending Minnesota Statutes 1976, Chapter 237, by adding a section; repealing Minnesota Statutes 1976, Section 237.08.

Referred to the Committee on Commerce.

Messrs. Wegener, Renneke and Purfeerst introduced—

S. F. No. 20: A bill for an act relating to highways; reimburse-

ment of fire fighting and protection expenses in certain instances; appropriating funds.

Referred to the Committee on Local Government.

Messrs. Wegener, Olson and Dunn introduced—

S. F. No. 21: A bill for an act relating to health; authorizing the licensing of physicians from Canada without an examination; amending Minnesota Statutes 1976, Section 147.03.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Hanson and Lessard introduced—

S. F. No. 22: A bill for an act relating to Lake of the Woods county; authorizing issuance of one off-sale liquor license.

Referred to the Committee on Commerce.

Messrs. Chmielewski and Olson introduced—

S. F. No. 23: A bill for an act relating to workers' compensation; requiring an employer to furnish certain remodeling for a handicapped employee's residence; amending Minnesota Statutes 1976, Chapter 176, by adding a section.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S. F. No. 24: A bill for an act relating to game and fish; use of dogs in taking bear; amending Minnesota Statutes 1976, Section 100.29, Subdivision 14.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S. F. No. 25: A bill for an act relating to cities; providing that all cities constitute separate election and assessment districts; amending Minnesota Statutes 1976, Section 412.081, Subdivision 1; repealing Minnesota Statutes 1976, Section 412.081, Subdivision 2.

Referred to the Committee on Local Government.

Messrs. Kleinbaum, Peterson, Bernhagen and Schrom introduced—

S. F. No. 26: A bill for an act relating to game and fish; seasons for taking of certain fish; amending Minnesota Statutes 1976, Section 101.41, Subdivisions 2 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chenoweth, Sikorski, Luther, Dieterich and Ogdahl introduced—

S. F. No. 27: A bill for an act relating to metropolitan government; providing for election of council members; amending Minnesota Statutes 1976, Sections 10A.01, Subdivision 5; 10A.17, Subdivision 3; 10A.20, Subdivisions 3, and 5; 10A.21, Subdivision 1; 10A.22, Subdivision 5; 10A.27, Subdivision 1; and 473.123, Subdivisions 2 and 3, and by adding subdivisions.

Referred to the Committee on Governmental Operations.

Messrs. Lewis, Coleman and Gearty introduced—

S. F. No. 28: A bill for an act relating to elections; providing for elections to fill certain United States senate vacancies; amending Minnesota Statutes 1976, Section 202A.72.

Referred to the Committee on Elections.

MESSAGES FROM THE HOUSE

Mr. President:

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

House Concurrent Resolution No. 2: A House concurrent resolution relating to adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted January 10, 1977

House Concurrent Resolution No. 2: A House concurrent resolution relating to adjournment.

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that when either the House of Representatives or the Senate adjourns on January 17, 1977, it may adjourn to any date not later than January 24, 1977.

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

MOTIONS AND RESOLUTIONS

Mr. Chmielewski introduced—

Senate Concurrent Resolution No. 3: A Senate Concurrent Resolution applying to Congress to call a convention to propose a right to life constitutional amendment.

Referred to the Committee on Rules and Administration.

Mr. Luther moved that the name of Mr. Borden be added as co-author to S. F. No. 1. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 8:15 o'clock a.m., Thursday, January 13, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FIFTH DAY

St. Paul, Minnesota, Thursday, January 13, 1977

The Senate met at 8:15 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

Ashbach	Hanson	Laufenburger	Olson	Sillers
Benedict	Humphrey	Lessard	Perpich	Solon
Borden	Jensen	Luther	Peterson	Strand
Chmielewski	Johnson	Menning	Pillsbury	Ueland, A.
Coleman	Keefe, S.	Milton	Purfeerst	Ulland, J.
Davies	Kirchner	Nelson	Schmitz	Vega
Engler	Kleinbaum	Nichols	Sieloff	Willet
Gearty	Knoll	Ogdahl	Sikorski	

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

Prayer was offered by the Chaplain, Rev. Dave S. Schneider.

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

Anderson	Engler	Knoll	Olhoft	Sikorski
Ashbach	Frederick	Knutson	Olson	Sillers
Bang	Gearty	Laufenburger	Penny	Solon
Benedict	Gunderson	Lessard	Perpich	Staples
Bernhagen	Hanson	Luther	Peterson	Stokowski
Borden	Humphrey	Menning	Pillsbury	Strand
Brataas	Jensen	Milton	Purfeerst	Ueland, A.
Chmielewski	Johnson	Moe	Renneke	Ulland, J.
Coleman	Keefe, S.	Nelson	Schmitz	Vega
Davies	Kirchner	Nichols	Schrom	Wegener
Dieterich	Kleinbaum	Ogdahl	Sieloff	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Dunn; Keefe, J.; Lewis; McCutcheon; Schaaf and Stumpf were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Pillsbury, Anderson, Knutson and Ashbach introduced—

S. F. No. 29: A bill for an act relating to metropolitan government; changing the method for election of metropolitan council members; amending Minnesota Statutes 1976, Sections 473.121, by adding a subdivision; and 473.123, by adding subdivisions.

Referred to the Committee on Governmental Operations.

Mr. Pillsbury introduced—

S. F. No. 30: A bill for an act relating to taxation; extending the time for certain political subdivisions to employ a certified assessor; amending Minnesota Statutes 1976, Section 270.493.

Referred to the Committee on Taxes and Tax Laws.

Mr. Humphrey, Mrs. Staples and Mr. Luther introduced—

S. F. No. 31: A bill for an act relating to metropolitan government; providing for election of the chairman and other members of the council; amending Minnesota Statutes 1976, Section 473.123, Subdivisions 2, 3, 4, and 5; and by adding subdivisions.

Referred to the Committee on Governmental Operations.

Messrs. Humphrey, Vega and Mrs. Staples introduced—

S. F. No. 32: A bill for an act relating to shade tree disease control; providing for municipal shade tree removal and reforestation programs; providing an appropriation; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7 and 11, and adding subdivisions; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kleinbaum, Schrom and Solon introduced—

S. F. No. 33: A bill for an act relating to arts and sports; redesignating the board of the arts as the board of the arts and sports; authorizing limited pari-mutuel betting; appropriating the proceeds for stadium construction; amending Minnesota Statutes 1976, Sections 139.07; 139.08, Subdivision 1; 139.09; 139.16; and 139.18; and Chapter 139, by adding a section.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Sikorski introduced—

S. F. No. 34: A bill for an act relating to shade tree disease control; providing for grants-in-aid to municipalities with approved shade tree disease control programs; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sikorski introduced—

S. F. No. 35: A bill for an act relating to education; providing for minimum reading standards and tests of reading achievement; providing state aid for reading teachers; appropriating money.

Referred to the Committee on Education.

Mr. Sikorski introduced—

S. F. No. 36: A bill for an act relating to public safety; requiring railroad companies to reimburse local governments for expenses incurred to extinguish locomotive caused fires.

Referred to the Committee on Local Government.

Messrs. Luther, Benedict, Sikorski, Mrs. Staples and Mr. Nelson introduced—

S. F. No. 37: A bill for an act relating to state agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state.

Referred to the Committee on Governmental Operations.

Messrs. Luther, Sikorski, Schmitz, Schaaf and Merriam introduced—

S. F. No. 38: A bill for an act relating to commerce; providing longer warranties for mobile homes; amending Minnesota Statutes 1976, Section 327.54, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Kleinbaum, McCutcheon and Knutson introduced—

S. F. No. 39: A bill for an act relating to peace officer training courses; eligibility; amending Minnesota Statutes 1976, Section 626.851, Subdivision 2.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Davies questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Hughes, Stokowski, Dunn, Strand and Merriam introduced—

S. F. No. 40: A bill for an act relating to education; quality education council; expanding duties and functions; amending Minnesota Statutes 1976, Sections 3.925; 3.926, Subdivision 2; and 3.927.

Referred to the Committee on Education.

Mr. Laufenburger introduced—

S. F. No. 41: A bill for an act relating to the city of Winona; placing the chief of police under the public employees police and fire fund.

Referred to the Committee on Governmental Operations.

Mr. Stumpf introduced—

S. F. No. 42: A bill for an act relating to commerce; regulating open contract sales; providing that the contract of sale involved in an open contract sale and a statement of its charges and payment be returned to the purchaser upon payment of the obligation.

Referred to the Committee on Commerce.

Messrs. Ueland, A.; Engler; Mrs. Staples; Messrs. Gunderson and Jensen introduced—

S. F. No. 43: A bill for an act relating to highway traffic regulations; parking privileges for the physically handicapped; amending Minnesota Statutes 1976, Section 169.345, Subdivisions 2 and 3.

Referred to the Committee on Health, Welfare and Corrections.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the names of Mrs. Staples and Mr. Menning be added as co-authors to S. F. No. 23. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Schrom and Stumpf be added as co-authors to Senate Concurrent Resolution No. 3. The motion prevailed.

Mr. Penny introduced—

Senate Resolution No. 13: A Senate resolution congratulating the Elmore High School Band on its participation in the Inauguration of Jimmy Carter and Walter F. Mondale.

Referred to the Committee on Rules and Administration.

Mr. Coleman moved that the Senate do now adjourn until 5:00 o'clock p.m., Monday, January 17, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTH DAY

St. Paul, Minnesota, Monday, January 17, 1977

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Hughes	McCutcheon	Schmitz	Tennessee
Bang	Humphrey	Menning	Sieloff	Ueland, A.
Benedict	Johnson	Merriam	Sikorski	Ulland, J.
Bernhagen	Keefe, S.	Milton	Sillers	Vega
Borden	Kirchner	Moe	Solon	Wegener
Brataas	Kleinbaum	Penny	Spear	Willet
Dieterich	Knutson	Pillsbury	Staples	
Engler	Laufenburger	Purfeerst	Stokowski	
Gearty	Lessard	Renneke	Strand	
Gunderson	Lewis	Schaaf	Stumpf	

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

Prayer was offered by the Chaplain, Rev. David Olson.

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

Anderson	Gearty	Laufenburger	Penny	Spear
Ashbach	Gunderson	Lessard	Pillsbury	Staples
Bang	Hughes	Lewis	Purfeerst	Stokowski
Benedict	Humphrey	Luther	Renneke	Strand
Bernhagen	Johnson	McCutcheon	Schaaf	Stumpf
Borden	Keefe, J.	Menning	Schmitz	Tennessee
Brataas	Keefe, S.	Merriam	Schrom	Ueland, A.
Dieterich	Kirchner	Milton	Sieloff	Ulland, J.
Dunn	Kleinbaum	Moe	Sikorski	Vega
Engler	Knoll	Olhoff	Sillers	Wegener
Frederick	Knutson	Olson	Solon	Willet

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Chenoweth, Chmielewski, Coleman, Hanson, Jensen, Nelson, Nichols, Ogdahl, Perpich and Peterson were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

January 14, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Metropolitan Council are hereby respectfully submitted to the Senate for confirmation as required by law:

Joan Campbell, 947-17th Avenue Southeast, Minneapolis, Hennepin County, has been appointed by me, effective January 12, 1977, for a term expiring January 5, 1981.

Alton J. Gasper, 5406 Hampshire Drive, Minneapolis, Hennepin County, has been appointed by me, effective January 12, 1977, for a term expiring January 5, 1981.

Opal Petersen, 14648 North Upper 55th, Stillwater, Washington County, has been appointed by me, effective January 14, 1977, for a term expiring January 5, 1981.

Referred to the Committee on Governmental Operations.

January 14, 1977

This is to inform you that the appointment of Betty Kane to the Metropolitan Council effective May 19, 1976, as found in the letter of December 14, 1976, has been affected by Chapter 422 of the Laws of 1974. Due to this law, the term to which Betty Kane was appointed expired January 1, 1977.

The following appointment to the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Betty Kane, 701 Parkview Terrace, Golden Valley, Hennepin County, has been appointed by me, effective January 12, 1977, for a term expiring January 5, 1981.

Referred to the Committee on Governmental Operations.

Sincerely,

Rudy Perpich, Governor

January 13, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

On January 13, 1977, the Subcommittee on Committees met and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 1976

Sec. 1.34 Advisory Committee to Minnesota-Wisconsin Boundary area Commission

Messrs. Lewis, Engler, Nichols, Sikorski and Vega

Sec. 121.82 Education Commission of the States

Mr. Hughes

Sec. 1.22 Great Lakes Commission

Messrs. Solon and Stokowski

Sec. 3.922 Indian Affairs Intertribal Board

Messrs. Chmielewski, Nelson and Sillers

Sec. 3.29 Interstate Cooperation Commission

Messrs. Humphrey, Bang, Knoll, Schaaf and Sillers

Sec. 86.07 Legislative Commission on Minnesota Resources

Messrs. Anderson, Chenoweth, Kirchner, Laufenburger, Moe, Willet and Renneke

Sec. 3.85 Legislative Commission on Pensions and Retirement

Messrs. Ogdahl, Peterson, Renneke, Stokowski and Strand

Sec. 3.965 Legislative Commission to Review Administrative Rules

Messrs. Coleman; Gunderson; Keefe, J.; Olhoft and Penny

Pursuant to Laws, 1976—

Chap. 337 Advisory Council on Economic Status of Women

Messrs. Luther, Milton, Spear, Mmes. Brataas and Staples

Chap. 270 Interstate Port Authority Commission

Mr. Solon

Chap. 149, Sec. 58 Tax Study Committee

Messrs. McCutcheon, Davies, Jensen, Merriam and Wegener

Pursuant to Laws, 1975—

Chap. 235 Citizens Committee on Voyageurs National Park
Messrs. Jensen and Stumpf

Respectfully submitted,
Nicholas D. Coleman, Chairman
Subcommittee on Committees

January 14, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

Pursuant to Minnesota Laws 1973, Chapter 741, Section 7, the following appointments have been made.

Joint Legislative Review Committee to the Commission on Minnesota's Future.

Messrs. Olson, Schrom and Menning

Respectfully,
Nicholas D. Coleman
Senate Majority Leader

January 14, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes, Section 3.303, Messrs. Borden and Keefe, S. have been appointed to the Legislative Coordinating Commission.

Respectfully,
Nicholas D. Coleman
Senate Majority Leader

January 14, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

Pursuant to Minnesota Laws 1973, Chapter 741, Section 7, the following appointments have been made:

Joint Legislative Review Committee to Commission on Minnesota's Future: Messrs. Pillsbury, Dunn, Knutson.

Pursuant to Minnesota Statutes, Section 3.303, Mr. Ogdahl has been appointed to the Legislative Coordinating Commission.

Respectfully,

Robert O. Ashbach
Senate Minority Leader

January 14, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

Pursuant to Minnesota Statutes, Section 3.97, I have made the following appointments to the Legislative Audit Commission: Messrs. Ashbach, Ogdahl, Pillsbury.

Respectfully,

Robert O. Ashbach
Senate Minority Leader

January 17, 1977

The Honorable Edward J. Gearty
President of the Senate

The Honorable Martin O. Sabo
Speaker of the House

Sirs:

I respectfully request the opportunity of addressing a joint session of the House and Senate of the 70th Session of the Minnesota Legislature on Tuesday, January 25, 1977, at 12:00 noon for the purpose of presenting my budget recommendations for the 1977-78 biennium to the Legislature.

Sincerely,

Rudy Perpich, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Chmielewski introduced—

S. F. No. 44: A bill for an act relating to highway traffic regulations; lengths of certain vehicles and combinations of vehicles; amending Minnesota Statutes 1976, Section 169.81, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Ueland, A.; Ogdahl and Chmielewski introduced—

S. F. No. 45: A bill for an act relating to commerce; protecting employed persons; providing for the filing of economic impact statements; prohibiting certain officials from enforcing rules in certain circumstances; granting powers to the governor; appropriating money.

Referred to the Committee on Commerce. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Ueland, A.; Frederick; Engler; Schmitz and Chmielewski introduced—

S. F. No. 46: A bill for an act relating to taxation; extending and increasing pollution control equipment credits; amending Minnesota Statutes 1976, Section 290.06, Subdivisions 9 and 9a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knoll; Keefe, S.; Mmes. Staples and Brataas and Mr. Moe introduced—

S. F. No. 47: A bill for an act relating to public employees; providing for an automatic pay increase to state employees who pass the certified professional secretary examination.

Referred to the Committee on Governmental Operations.

Mr. Peterson introduced—

S. F. No. 48: A bill for an act relating to Becker county; ratifying sales of certain tax-forfeited lands.

Referred to the Committee on Judiciary.

Messrs. Laufenburger, Purfeerst, Borden, Frederick and Menning introduced—

S. F. No. 49: A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivision 1; repealing Minnesota Statutes 1976, Section 334.011, Subdivision 4.

Referred to the Committee on Commerce.

Mr. Menning introduced—

S. F. No. 50: A bill for an act relating to the city of Luverne; authorizing the taking of a special federal census, and providing that the results thereof shall be the population of the city for all purposes.

Referred to the Committee on Local Government.

Messrs. Menning, Nichols, Gearty and Strand introduced—

S. F. No. 51: A bill for an act relating to elections; providing for the number and duties of election officers; counts and recounts; school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivisions 3 and 5; 204A.36; 204A.39, Subdivision 2; 204A.41, Subdivision 2; 204A.51, Subdivisions 2 and 3; 204A.53, Subdivisions 2 and 3; 206.075; 206.19, Subdivision 1; 206.23; 207.11 and 207.19, Subdivision 1.

Referred to the Committee on Elections.

Messrs. Menning, Schmitz, Nichols, Laufenburger and Bernhagen introduced—

S. F. No. 52: A bill for an act relating to public utilities; regulation of rural electric cooperatives; amending Minnesota Statutes 1976, Sections 216B.01; 216B.02, Subdivision 4; and 216B.38, Subdivision 5.

Referred to the Committee on Commerce.

Mr. Kleinbaum and Mrs. Brataas introduced—

S. F. No. 53: A bill for an act relating to shade tree disease control; changing the size of cities eligible for grants-in-aid for wood utilization or disposal; amending Minnesota Statutes 1976, Section 18.023, Subdivision 3a.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Knutson and Engler introduced—

S. F. No. 54: A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing certain routes from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.12; and 161.123; repealing Minnesota Statutes 1976, Section 161.117.

Referred to the Committee on Transportation.

Messrs. Knutson and Engler introduced—

S. F. No. 55: A bill for an act relating to highways; removing certain highway construction limitations; extending Legislative Route No. 390 through the city of St. Paul; amending Minnesota Statutes 1976, Section 161.12; repealing Minnesota Statutes 1976, Sections 161.117; and 161.123.

Referred to the Committee on Transportation.

Messrs. Sikorski; Solon; Tennesen; Keefe, S. and Ogdahl introduced—

S. F. No. 56: A bill for an act relating to housing; providing implied and express warranties on the sale of new housing upon the seller.

Referred to the Committee on Judiciary. Mr. Knoll questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Kleinbaum; Ueland, A. and Laufenburger introduced—

S. F. No. 57: A bill for an act relating to local control of campus liquor policy; amending Minnesota Statutes 1976, Section 624.701, Subdivision 1.

Referred to the Committee on Education.

Messrs. Kleinbaum, McCutcheon and Laufenburger introduced—

S. F. No. 58: A bill for an act relating to taxation; imposing sales taxation on carbonated beverages; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederick; Engler; Bang; Ueland, A. and Chmielewski introduced—

S. F. No. 59: A bill for an act relating to taxes; repealing the employers excise tax; repealing Minnesota Statutes 1976, Sections 290.031, 290.921, and 290.922.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon, Johnson, Kleinbaum, Chmielewski and Olson introduced—

S. F. No. 60: A bill for an act relating to taxation; exempting sales of electricity, gas, water, steam, and heating fuels sold for residential use from the sales tax; amending Minnesota Statutes 1976, Sections 297A.01, Subdivision 3, and 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Penny, Menning, Peterson and Gunderson introduced—

S. F. No. 61: A bill for an act relating to the legislature; appropriating money for toll-free telephone calls to legislators.

Referred to the Committee on Governmental Operations.

Messrs. Johnson, Lessard, Willet, Gearty and Borden introduced—

S. F. No. 62: A bill for an act relating to taxation; providing local option to specified counties to receive property tax payments from state for state owned land; providing an appropriation.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth; Humphrey; Keefe, S.; Ogdahl and Luther introduced—

S. F. No. 63: A bill for an act relating to labor relations; providing for successor clauses in collective bargaining agreements; requiring successor employers to assume certain obligations; requiring notice of collective bargaining agreements to successor employers; requiring notice of successor transactions to exclusive representatives; allowing successor transactions in violation of a collective bargaining agreement to be enjoined; amending Minnesota Statutes 1976, Chapter 179, by adding a section.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S. F. No. 64: A bill for an act relating to highways; removing certain highway construction limitations; extending Legislative Route No. 390 through the city of St. Paul; amending Minnesota Statutes 1976, Section 161.12; repealing Minnesota Statutes 1976, Sections 161.117; and 161.123.

Referred to the Committee on Transportation.

Messrs. McCutcheon, Knoll, Sikorski and Menning introduced—

S. F. No. 65: A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2, 3 and 4; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576;

609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivision 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.13, Subdivision 1; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Humphrey introduced—

S. F. No. 66: A bill for an act relating to the operation of state government; providing for the expiration or periodic reevaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Kleinbaum introduced—

S. F. No. 67: A bill for an act relating to the city of St. Cloud; firemen's widows benefits; amending Laws 1974, Chapter 382, Section 5, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Kleinbaum introduced—

S. F. No. 68: A bill for an act relating to state property; authorizing the conveyance of certain state property in Stearns county to the city of St. Cloud, Minnesota.

Referred to the Committee on Governmental Operations.

Messrs. Sieloff and Ulland, J. introduced—

S. F. No. 69: A bill for an act relating to adoption; removing certain witness requirements in the execution of consents; amending Minnesota Statutes 1976, Section 259.24, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Davies, Hanson, Merriam and Knutson introduced—

S. F. No. 70: A bill for an act relating to judgments; providing for enforcement of foreign judgments in courts of this state.

Referred to the Committee on Judiciary.

Messrs. Wegener, Dunn and Olhoft introduced—

S. F. No. 71: A bill for an act relating to the practice of medicine; authorizing limited licenses to practice in certain areas of the state; prescribing conditions and qualifications.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Wegener introduced—

S. F. No. 72: A bill for an act relating to natural resources; authorizing the conveyance by the state of certain lands known as Battle Point to Todd county; amending Minnesota Statutes 1976, Section 84.163.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Nichols and Strand introduced—

S. F. No. 73: A bill for an act relating to weather modification; prescribing powers and duties for the commissioner of agriculture; providing for weather modification research; requiring the obtaining of licenses and permits prior to engaging in weather modification; prescribing penalties; creating a weather modification advisory council.

Referred to the Committee on Agriculture and Natural Resources.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that the House of Representatives invites and is ready to meet with the Senate at 11:50 a. m., Tuesday, January 25, 1977, to receive the Budget Message of the Honorable Rudy Perpich, Governor of the State of Minnesota, said message to be delivered at 12:00 noon.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 17, 1977

Mr. Borden moved that the Senate accept the invitation of the House of Representatives to meet in Joint Convention in the House Chamber at 12:00 noon, Tuesday, January 25, 1977, for the purpose of receiving the Budget Message of the Honorable Rudy Perpich, Governor of the State of Minnesota. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Gunderson be added as co-author to S. F. No. 23. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Olhoft be added as co-author to Senate Concurrent Resolution No. 3. The motion prevailed.

Mr. Lewis introduced—

Senate Resolution No. 14: A Senate resolution eulogizing Dr. Martin Luther King on the forty-eighth anniversary of his birth.

WHEREAS, Dr. Martin Luther King, minister and humanitarian, dedicated his life to the pursuit of brotherhood, peace and justice for all women and men; and

WHEREAS, Dr. King while challenging discrimination remained devoted in principle and practice to the philosophy of non-violence; and

WHEREAS, Dr. King through his own dedication and eloquence was able to kindle the spirit of brotherhood in women and men of all races and creeds; and

WHEREAS, Dr. King gave the ultimate personal sacrifice for the cause of human rights; and

WHEREAS, the legacy and memory of Dr. King will continue to inspire good men everywhere to continue the struggle for human rights and justice; and

WHEREAS, the week of January 16, 1977, marks the forty-eighth anniversary of the birth of Dr. King; now, therefore,

BE IT RESOLVED, by the Senate of the State of Minnesota, that recognition and tribute be given to Dr. Martin Luther King during this week of the forty-eighth anniversary of his birth.

BE IT FURTHER RESOLVED, that the Secretary of the Senate of the State of Minnesota, transmit a formal copy of this resolution to his wife, Mrs. Coretta King.

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

Mr. Borden moved to amend Senate Resolution No. 3 adopted Tuesday, January 4, 1977 establishing Senate employees' positions and salaries as shown in the Journal of the first day, as follows:

In the "Indexer" classification under the heading "salary per day" before "29.14" insert "2 @" and after "29.14" insert "1 @ 30.00"

In the Legislative Assistant II classification, under the heading "salary per day" delete the "2" before "@\$43.33" and insert "1"

After "Public Information Officer" under the heading "salary per day" insert "\$43.84"

In the "Researcher" classification under the heading "number of positions" delete "13" and insert "14"

In the "Researcher" classification under the heading "salary per day" delete "2 @\$42.00" and insert "3 @\$42.00"

In the "Sergeant" classification under the heading "salary per day" delete the "6" before "@\$20.00" and insert "8"; delete the "11" before "@\$22.00" and insert "9"

Mr. Borden moved the adoption of the foregoing amendment.

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Ashbach	Gunderson	Lessard	Renneke	Strand
Bang	Hughes	Lewis	Schaaf	Stumpf
Benedict	Humphrey	Luther	Schmitz	Tennessee
Bernhagen	Johnson	McCutcheon	Schrom	Ueland, A.
Borden	Keefe, J.	Menning	Sieloff	Ulland, J.
Brataas	Keefe, S.	Milton	Sikorski	Vega
Dieterich	Kirchner	Olhoft	Sillers	Wegener
Dunn	Kleinbaum	Olson	Solon	Willet
Engler	Knoll	Penny	Spear	
Frederick	Knutson	Pillsbury	Staples	
Gearly	Laufenburger	Purfeerst	Stokowski	

The motion prevailed. So the resolution was amended.

Mr. Borden for the Committee on Rules and Administration offered the following resolution:

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

Rev. Dave S. Schneider, Chaplain, effective January 5, 1977

Dorothy Queener, Stenographer I, effective January 3, 1977

Nancy Mathisrud, Secretary, effective January 4, 1977

Patricia Passman, Researcher, effective January 6, 1977

David Peterson, Public Information Officer, effective January 6, 1977

Ramon Lozano, Page, effective January 10, 1977

Russell Flewellen, Sergeant, effective January 7, 1977

Steven Judge, transferred from Page classification to Legislative Assistant I, effective January 10, 1977

Rev. David Olson, Chaplain, effective January 17, 1977

Onesimus Boykin, Page, effective January 17, 1977

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

Mr. Borden introduced Senate Resolution No. 15: A Senate resolution relating to the National Conference of State Legislatures and the Council of State Governments; authorizing attendance by members and employees of the Senate and the expenditure of funds.

BE IT RESOLVED, by the Senate:

That the Senate Committee on Rules and Administration, or the Chairman thereof, is authorized to designate members of the Senate and employees thereof to attend meetings of the Council

of State Governments, the National Conference of State Legislatures and their committees.

That expenses incurred in attending such meetings be paid out of the Senate Legislative Expense Fund and that the Secretary of the Senate is hereby authorized and directed to issue warrants in payment of such expense.

Mr. Borden moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

Ashbach	Gunderson	Lessard	Renneke	Strand
Bang	Hughes	Lewis	Schaaf	Stumpf
Benedict	Humphrey	Luther	Schmitz	Tennessee
Bernhagen	Johnson	McCutcheon	Schrom	Ueland, A.
Borden	Keefe, J.	Menning	Sieloff	Ulland, J.
Brataas	Keefe, S.	Milton	Sikorski	Vega
Dieterich	Kirchner	Olhoft	Sillers	Wegener
Dunn	Kleinbaum	Olson	Solon	Willet
Engler	Knoll	Penny	Spear	
Frederick	Knutson	Pillsbury	Staples	
Gearty	Laufenburger	Purfeerst	Stokowski	

The motion prevailed. So the resolution was adopted.

Mr. Borden introduced Senate Resolution No. 16: A Senate resolution relating to the attendance of members of standing committees at meetings and seminars; providing for the payment of expenses thereby incurred.

BE IT RESOLVED, by the Senate, that members of a standing committee or subcommittee of the Senate, and employees thereof, upon approval of the Committee on Rules and Administration, or the Chairman thereof, are authorized to attend meetings and seminars on subjects within the jurisdiction of the committee or subcommittee.

That expenses incurred in attending such meetings and seminars be paid out of the Senate Legislative Expense Fund and that the Secretary of the Senate is hereby authorized and directed to issue warrants in payment of such expenses.

Mr. Borden moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

Ashbach	Dieterich	Hughes	Kleinbaum	Luther
Bang	Dunn	Humphrey	Knoll	McCutcheon
Benedict	Engler	Johnson	Knutson	Menning
Bernhagen	Frederick	Keefe, J.	Laufenburger	Milton
Borden	Gearty	Keefe, S.	Lessard	Olhoft
Brataas	Gunderson	Kirchner	Lewis	Olson

Penny	Schmitz	Solon	Stumpf	Wegener
Pillsbury	Schrom	Spear	Tennessee	Willet
Purfeerst	Sieloff	Staples	Ueland, A.	
Renneke	Sikorski	Stokowski	Ulland, J.	
Schaaf	Sillers	Strand	Vega	

The motion prevailed. So the resolution was adopted.

Mr. Borden introduced Senate Concurrent Resolution No. 4: A Senate Concurrent Resolution relating to the engrossment and enrolling of bills.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring therein, that pursuant to Minnesota Statutes 1974, Section 482.09, Subdivision 8, request is hereby made of the Revisor of Statutes to assist in all of the functions relating to the enrollment and engrossment of bills and related documents during the 70th Legislature, commencing at the regular session thereof beginning January 4, 1977; Senate bills and related documents to be under the supervision of the Secretary of the Senate and House bills and related documents to be under the supervision of the Chief Clerk of the House of Representatives.

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

Mr. Sikorski moved that the names of Messrs. Olhoft and Humphrey be added as co-authors to S. F. No. 35. The motion prevailed.

Mr. Borden moved that the Senate do now adjourn until 5:00 o'clock p.m., Monday, January 24. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTH DAY

St. Paul, Minnesota, Monday, January 24, 1977

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

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

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

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

Prayer was offered by the Chaplain, Rev. David Olson.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Knoll and Perpich were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

January 17, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Metropolitan Council are hereby respectfully submitted to the Senate for confirmation as required by law:

Jim Daly, 119 South Grove, Belle Plaine, Scott County, has been appointed by me, effective January 14, 1977, for a term expiring January 5, 1981.

Todd Jeffery Lefko, 1528 Grantham, St. Paul, Ramsey County, has been appointed by me, effective January 14, 1977, for a term expiring January 5, 1981.

Stanley B. Kegler, 655 East Belmont Lane, Maplewood, Ramsey County, has been appointed by me, effective January 14, 1977, for a term expiring January 5, 1981.

Sincerely,
Rudy Perpich, Governor

Referred to the Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Wegener, Hanson, Willet, Sillers and Moe introduced—

S. F. No. 74: A bill for an act relating to agriculture; potato grading; application; repealing Minnesota Statutes 1976, Section 30.101.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam and Davies introduced—

S. F. No. 75: A bill for an act relating to insurance; defining persons entitled to participate in the assigned claims plan for motor vehicle injuries; amending Minnesota Statutes 1976, Section 65B.64, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Keefe, S. and Solon introduced—

S. F. No. 76: A bill for an act relating to commerce; extending the effective date of certain provisions of law that require tents and sleeping bags to be flame resistant; amending Laws 1975, Chapter 341, Section 6.

Referred to the Committee on Commerce.

Messrs. Keefe, S.; Gearty; Coleman and Merriam introduced—

S. F. No. 77: A bill for an act relating to elections; providing protection for employees who become candidates; providing penalties; amending Minnesota Statutes 1976, Chapter 10A, by adding a section.

Referred to the Committee on Elections.

Messrs. Keefe, S.; Solon; Lessard and Strand introduced—

S. F. No. 78: A bill for an act relating to public indebtedness; investment of debt service funds; amending Minnesota Statutes 1976, Section 475.66, Subdivisions 1 and 2.

Referred to the Committee on Local Government.

Messrs. Menning, Willet, Olson and Renneke introduced—

S. F. No. 79: A bill for an act relating to real estate; placing restrictions on who may acquire title; providing enforcement powers; providing penalty; amending Minnesota Statutes 1976, Chapter 500, by adding a section; repealing Minnesota Statutes 1976, Section 500.22.

Referred to the Committee on Judiciary. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Menning, Renneke, Purfeerst and Penny introduced—

S. F. No. 80: A bill for an act relating to ambulance services; reimbursing volunteer ambulance attendants for training school expenses; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Schmitz, Bernhagen and Lessard introduced—

S. F. No. 81: A bill for an act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.29, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz, Dieterich and Sillers introduced—

S. F. No. 82: A bill for an act relating to elections; providing that certificates of election to the legislature be sent to the legislature; amending Minnesota Statutes 1976, Section 204A.54, Subdivision 1.

Referred to the Committee on Elections.

Messrs. Johnson, Lessard, Hanson, Willet and Ashbach introduced—

S. F. No. 83: A resolution relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Keefe, J.; Lewis; Schaaf; Bang and Kleinbaum introduced—

S. F. No. 84: A bill for an act relating to health; authorizing use of living wills; establishing liabilities for wrongful acts; recognizing legal status of certain documents; prescribing penalties.

Referred to the Committee on Judiciary.

Messrs. Schrom, Willet, Dunn and Lewis introduced—

S. F. No. 85: A bill for an act relating to agriculture; establishing an avian disease research center; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Keefe, J.; Gearty; Humphrey; Luther and Sieloff introduced—

S. F. No. 86: A bill for an act relating to real property; registration of title thereto; providing for changes in the persons who may register land and in the contents of the application for registration; permitting the registration of appurtenant easements over unregistered land and establishing procedures for such registration; changing the period during which the application shall constitute notice; changing the period for appeal from a final decree and establishing a period for appeal to the supreme court from an order of the district court made after the original registration of land; providing that money judgments may be filed on certificates of title only when the judgment debtor has a registered interest therein; prescribing fees of the registrar for

the assurance fund; clarifying the limitation on recovery from the assurance fund; amending Minnesota Statutes 1976, Sections 508.03; 508.04; 508.06; 508.11; 508.23; 508.29; 508.63; 508.74; and 508.78.

Referred to the Committee on Judiciary.

Messrs. Renneke, Gunderson, Olson, Purfeerst and Engler introduced—

S. F. No. 87: A resolution memorializing Congress and the President of the United States to authorize replacement of Locks and Dam No. 26 in Alton, Illinois.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kleinbaum and Willet introduced—

S. F. No. 88: A bill for an act relating to commerce; regulating going out of business sales and certain other sales; providing a penalty.

Referred to the Committee on Commerce.

Messrs. Stumpf, Schrom, Willet, Lessard and Dunn introduced—

S. F. No. 89: A bill for an act relating to natural resources; adding a member to the soil and water conservation board temporarily.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf, Schrom, Willet, Dunn and Penny introduced—

S. F. No. 90: A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio officer of the state soil and water conservation board; amending Minnesota Statutes 1976, Section 40.03, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf; Luther; Keefe, S.; Vega and Milton introduced—

S. F. No. 91: A bill for an act relating to employment; prohibiting mandatory overtime; providing a penalty.

Referred to the Committee on Employment.

Mr. Stumpf; Mrs. Staples; Messrs. Keefe, S.; Vega and Milton introduced—

S. F. No. 92: A bill for an act relating to labor; providing that

employers provide certain information with all payments of wage or salary; amending Minnesota Statutes 1976, Section 181.12.

Referred to the Committee on Employment.

Messrs. Stumpf; Luther; Keefe, S.; Schaaf and Milton introduced—

S. F. No. 93: A bill for an act relating to taxation; providing for an increased income tax checkoff, redistribution of moneys in the elections campaign fund, and limitations on political contributions; amending Minnesota Statutes 1976, Sections 10A.12, Subdivision 5; 10A.27; 10A.31, Subdivisions 1, 2 and 3; 290.06, Subdivision 11 and Chapter 10A, by adding a section.

Referred to the Committee on Elections.

Messrs. Stumpf, Spear, Solon, Mrs. Brataas and Mr. Sikorski introduced—

S. F. No. 94: A bill for an act relating to fraternal beneficiary associations; authorizing the election of directors to govern them; prescribing limitations; amending Minnesota Statutes 1976, Section 64A.04.

Referred to the Committee on Commerce.

Messrs. Purfeerst, Laufenburger, Borden and Hughes introduced—

S. F. No. 95: A bill for an act relating to education; school employees; providing a limitation on contract negotiations.

Referred to the Committee on Education. Mr. Laufenburger questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Luther, Penny, Vega, Sikorski and Gunderson introduced—

S. F. No. 96: A bill for an act relating to insurance; providing that senior citizens may cancel certain policies of insurance within seven business days after purchase; setting out notice requirements.

Referred to the Committee on Commerce.

Messrs. Luther; Sikorski; Nelson and Keefe, J. introduced—

S. F. No. 97: A bill for an act relating to public utilities; providing for a lifeline rate for electricity; amending Minnesota Statutes 1976, Chapter 216B, by adding a section.

Referred to the Committee on Commerce.

Mr. Borden introduced—

S. F. No. 98: A bill for an act relating to public health; providing for optional fluoridation of municipal water supplies; amending Minnesota Statutes 1976, Section 144.145.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Laufenburger introduced—

S. F. No. 99: A bill for an act relating to Wabasha county; authorizing the sale of Buena Vista sanitarium after rejection of bids.

Referred to the Committee on Local Government.

Mr. Schaaf introduced—

S. F. No. 100: A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace Park.

Referred to the Committee on Local Government. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Chmielewski and Olhoft introduced—

S. F. No. 101: A bill for an act relating to welfare; providing penalties for welfare offenses; requiring notification of change of circumstances; amending Minnesota Statutes 1976, Sections 256.-98; and 393.07, Subdivision 10.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S. F. No. 102: A bill for an act relating to the town of Thomson in Carlton county; authorizing a special tax levy for certain purposes.

Referred to the Committee on Taxes and Tax Laws. Mr. Chmielewski questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Benedict, McCutcheon, Humphrey, Knoll and Luther introduced—

S. F. No. 103: A bill for an act relating to taxation; providing that improvements to real property used for a homestead not be added to increased valuation of property; amending Minnesota

Statutes 1976, Section 273.11, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws. Mr. Anderson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Johnson introduced—

S. F. No. 104: A bill for an act relating to Cook county; authorizing construction of a building for the county highway department and the issuance of general obligation bonds to finance the cost thereof.

Referred to the Committee on Local Government.

Messrs. Davies, Hanson, Merriam and Keefe, J. introduced—

S. F. No. 105: A bill for an act relating to public welfare; providing pre-trial proceedings and hearings to determine paternity of illegitimate children; requiring a notice to be given a father when a mother intends to relinquish a child for purposes of adoption; enacting the uniform parentage act; revising Minnesota Statutes to conform with the uniform parentage act; amending Minnesota Statutes 1976, Sections 144.159; 144.167; 144.171, Subdivision 2; 257.025; 257.175; 257.28; 259.24, Subdivisions 1 and 2; 259.25, Subdivision 1; 259.26, Subdivision 1; 259.29; 260.111, Subdivision 2; 525.172; and 525.173; repealing Minnesota Statutes 1976, Sections 144.177; 257.251; 257.252; 257.253; 257.254; 257.255; 257.256; 257.257; 257.258; 257.259; 257.261; 257.262; 257.263; 257.264; 257.27; 257.29; 257.30; 257.31; 257.33; 259.261; and 517.19.

Referred to the Committee on Judiciary.

Messrs. Dieterich; Keefe, S.; Johnson and Luther introduced—

S. F. No. 106: A bill for an act relating to sales, consumer credit; providing for maximum finance charges and a penalty.

Referred to the Committee on Commerce.

Messrs. Hanson, Merriam and Knoll introduced—

S. F. No. 107: A bill for an act relating to children; enacting the uniform child custody jurisdiction act.

Referred to the Committee on Judiciary.

Messrs. Lewis, Laufenburger and Gearty introduced—

S. F. No. 108: A bill for an act relating to highway traffic

regulations; specifying minimum property damage accident report requirements; amending Minnesota Statutes 1976, Section 169.09, Subdivision 7.

Referred to the Committee on Transportation.

Mr. Schaaf introduced—

S. F. No. 109: A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 144.02; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Chenoweth, Ashbach, Coleman, Gearty and Anderson introduced—

S. F. No. 110: A bill for an act relating to the operation of state government; authorizing the governor to temporarily alter or adjust state work and compensation practices in order to minimize state government's energy consumption.

Mr. Coleman moved that S. F. No. 110 be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

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

Senate Concurrent Resolution No. 4: A Senate Concurrent Resolution relating to the engrossment and enrolling of bills.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 24, 1977

Mr. President:

I have the honor to inform the Senate that the House of Representatives has appointed a committee of five members of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber, Tuesday, January 25, 1977. The Joint Convention will convene at 11:50 a. m. and the budget message of the Governor will be delivered at 12:00 noon.

Lehto, Murphy, Scheid, Wynia, and Evans have been appointed as members of such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 24, 1977

APPOINTMENTS

Pursuant to the foregoing Message, the President made the following appointments:

Messrs. Perpich, Hanson, Knoll, Sikorski and Mrs. Brataas.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of S. F. No. 17 be now adopted. The motion prevailed.

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

S. F. No. 17: A bill for an act relating to education; higher education coordinating board; providing for non-citizen students to be eligible for scholarships and grants-in-aid; amending Minnesota Statutes 1976, Section 136A.121, Subdivisions 1 and 2.

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

Page 2, after line 22, insert:

“Sec. 3. *This act shall be effective the day following final enactment.*”

And when so amended the bill do pass.

Mr. Moe questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S. F. No. 11: A bill for an act authorizing the city of Kenyon to construct, furnish and equip a medical clinic, to lease the

medical clinic, to issue general obligation bonds for such purpose; validating action heretofore taken.

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

SECOND READING OF SENATE BILLS

S. F. No. 11 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that the name of Mr. Sillers be added as co-author to S. F. No. 21. The motion prevailed.

Mr. McCutcheon moved that the name of Mr. Vega be added as co-author to S. F. No. 65. The motion prevailed.

Mr. Schaaf moved that the names of Messrs. Gearty, Chenoweth, Ogdahl and Borden be added as co-authors to S. F. No. 109. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Stumpf be added as co-author to S. F. No. 35. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:45 o'clock a.m., Tuesday, January 25, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTH DAY

St. Paul, Minnesota, Tuesday, January 25, 1977

The Senate met at 10:45 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Hanson	Lewis	Peterson	Stokowski
Bernhagen	Hughes	Luther	Pillsbury	Strand
Borden	Humphrey	Menning	Purfeerst	Stumpf
Chenoweth	Jensen	Merriam	Schaaf	Ueland, A.
Chmielewski	Johnson	Milton	Schmitz	Vega
Coleman	Keefe, S.	Nelson	Schrom	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Olhoff	Sikorski	
Gearty	Knoll	Olson	Solon	
Gunderson	Lessard	Penny	Spear	

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

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Keefe, J. was excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Milton introduced—

S. F. No. 111: A bill for an act relating to the firemen's relief association of the city of Centerville, computation of years of service for volunteer firemen.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S. F. No. 112: A bill for an act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 12; and 102.28, Subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega and McCutcheon introduced—

S. F. No. 113: A bill for an act relating to Dakota county; providing that the office of administrative assistant and any specialized position agreed to by the board and the sheriff shall be unclassified.

Referred to the Committee on Local Government.

Mr. Chmielewski introduced—

S. F. No. 114: A bill for an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

Referred to the Committee on Local Government.

Mr. Chmielewski introduced—

S. F. No. 115: A bill for an act relating to elections; making town treasurers eligible to serve as election judges; amending Minnesota Statutes 1976, Section 204A.17, Subdivision 5.

Referred to the Committee on Elections.

Messrs. Dieterich, Johnson and Sikorski introduced—

S. F. No. 116: A bill for an act relating to trade regulations;

providing for unit pricing of certain packaged commodities; providing for exemptions.

Referred to the Committee on Commerce.

Mr. Dunn introduced—

S. F. No. 117: A bill for an act relating to the firemen's relief association of the city of Albertville, computation of years of service for volunteer firemen.

Referred to the Committee on Governmental Operations.

Messrs. Borden, Olhoft, Humphrey, Sillers and Anderson introduced—

S. F. No. 118: A bill for an act relating to energy conservation; exempting solar energy systems from property taxation; providing a ten percent credit against income tax for the cost of certain individual sewage treatment systems and solar energy systems; allowing carryback and carryforward of the feedlot pollution control equipment credit; exempting solar energy systems from sales taxation; amending Minnesota Statutes 1976, Sections 272.02, Subdivision 1; 290.06, Subdivisions 9 and 9a; and 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Mr. Lewis introduced—

S. F. No. 119: A bill for an act relating to retirement; authorizing a proportionate annuity for certain employees of the Hennepin county district court.

Referred to the Committee on Governmental Operations.

Messrs. McCutcheon; Vega; Spear; Ueland, A. and Hanson introduced—

S. F. No. 120: A bill for an act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

Referred to the Committee on Education.

Messrs. Vega, Spear, Kirchner, Purfeerst and Benedict introduced—

S. F. No. 121: A bill for an act relating to the metropolitan transit commission; providing discount fares for post-secondary students for one year; appropriating money; amending Minnesota Statutes 1976, Section 473.446, Subdivision 4.

Referred to the Committee on Transportation.

Messrs. Ueland, A.; Schmitz; Jensen; Johnson and Moe introduced—

S. F. No. 122: A bill for an act relating to elections; providing for election judges in certain precincts; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; and 204A.18, Subdivision 1.

Referred to the Committee on Elections.

Messrs. Solon, Johnson, Willet, Humphrey and Vega introduced—

S. F. No. 123: A bill for an act relating to public safety; requiring fire detection devices in certain residential housing; directing the commissioner of administration to amend the state building code; amending Minnesota Statutes 1976, Section 16.85, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Lewis, Coleman, McCutcheon, Sikorski and Kirchner introduced—

S. F. No. 124: A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, S.; Humphrey; Lewis; Spear and Mrs. Brataas introduced—

S. F. No. 125: A bill for an act relating to commerce; prohibiting discriminatory trade practices; providing a penalty; amending Minnesota Statutes 1976, Sections 325.8013; and 325.8018, Subdivision 2.

Referred to the Committee on Commerce.

Mr. Olhoft, Mrs. Brataas, Messrs. Wegener, Nichols and Strand introduced—

S. F. No. 126: A bill for an act relating to taxation; providing for the taxation of unemployment compensation benefits if the benefits and federal gross income exceeds \$15,000; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schrom, Bernhagen, Olhoft, Strand and Borden introduced—

S. F. No. 127: A bill for an act relating to the environmental

quality board; guidelines for approval of sites and corridors for large electric generating plants and high voltage transmission lines; amending Minnesota Statutes 1976, Section 116C.57, Subdivision 4.

Referred to the Committee on Energy and Housing. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Schrom, Olhoft, Strand and Borden introduced—

S. F. No. 128: A bill for an act relating to public utilities; routing for high voltage electric transmission lines; amending Minnesota Statutes 1976, Section 116C.57, Subdivision 2.

Referred to the Committee on Energy and Housing. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Luther, Spear, Dieterich and Keefe, J. introduced—

S. F. No. 129: A bill for an act relating to intoxicating liquor; regulating price advertising; providing a penalty; amending Minnesota Statutes 1976, Section 340.15, Subdivision 1, and by adding subdivisions.

Referred to the Committee on Commerce.

Mr. Schrom introduced—

S. F. No. 130: A bill for an act relating to St. Cloud; St. Cloud metropolitan transit commission; authorizing the inclusion of parts of municipalities in the transit area; amending Laws 1969, Chapter 1134, Section 2, Subdivision 1.

Referred to the Committee on Transportation.

Messrs. Luther; Sikorski; Keefe, S. and Nichols introduced—

S. F. No. 131: A bill for an act relating to ethics; restricting activities of lobbyists; amending Minnesota Statutes 1976, Section 10A.04, Subdivision 4.

Referred to the Committee on Governmental Operations.

MOTIONS AND RESOLUTIONS

Mr. Humphrey moved that the names of Messrs. Ogdahl and Willet be added as co-authors to S. F. No. 32. The motion prevailed.

Mr. Humphrey moved that the names of Messrs. Borden, Chenoweth, Ogdahl and Schaaf be added as co-authors to S. F. No. 66. The motion prevailed.

Mr. Chenoweth moved that S. F. No. 110 be taken from the table. The motion prevailed.

SUSPENSION OF RULES

Mr. Chenoweth moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S. F. No. 110 and that the rules of the Senate be so far suspended as to give S. F. No. 110 its second and third reading and place it on its final passage. The motion prevailed.

S. F. No. 110 was read the second time.

S. F. No. 110: A bill for an act relating to the operation of state government; authorizing the governor to temporarily alter or adjust state work and compensation practices in order to minimize state government's energy consumption.

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

Mr. Jensen voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Chmielewski moved that the names of Messrs. Willet, Gunderson, Nelson and Bernhagen be added as co-authors to S. F. No. 115. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Willet, Gunderson, Nelson and Bernhagen be added as co-authors to S. F. No. 114. The motion prevailed.

Mr. Lewis moved that the name of Mr. Willet be added as co-author to S. F. No. 28. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess until 11:35 o'clock a. m. The motion prevailed.

The hour of 11:35 o'clock a. m. having arrived, the President called the Senate to order.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Dieterich moved that the name of Mr. Ogdahl be added as co-author to S. F. No. 116. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Borden moved that the Senate do now adjourn until 10:00 o'clock a. m., Thursday, January 27, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINTH DAY

St. Paul, Minnesota, Thursday, January 27, 1977

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

CALL OF THE SENATE

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

Ashbach	Frederick	Lewis	Peterson	Stokowski
Bang	Gearty	Luther	Pillsbury	Strand
Benedict	Gunderson	Menning	Purfeerst	Stumpf
Bernhagen	Hanson	Merriam	Renneke	Tennessee
Borden	Hughes	Milton	Schrom	Ulland, J.
Brataas	Jensen	Moe	Sieloff	Vega
Chmielewski	Johnson	Nelson	Sikorski	Wegener
Coleman	Keefe, S.	Ogdahl	Sillers	Willet
Davies	Kleinbaum	Olhoff	Solon	
Dunn	Laufenburger	Olson	Spear	
Engler	Lessard	Penny	Staples	

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

Prayer was offered by the Chaplain, Rev. David Olson.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Kirchner and Schmitz were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

January 25, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

Enclosed are the appointments to the post of Notary Public made from January 1, 1969 through and including January 11, 1977.

Mr. Coleman moved that the appointments be laid on the table. The motion prevailed.

Sincerely,
Rudy Perpich, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Stokowski, Chenoweth, Schmitz and Ogdahl introduced—

S. F. No. 132: A bill for an act relating to retirement; extending the option for purchase of prior service credit by certain legislative employees; amending Laws 1975, Chapter 388, Section 1.

Referred to the Committee on Governmental Operations.

Messrs. Ashbach and Frederick introduced—

S. F. No. 133: A bill for an act relating to motor vehicles; registration and taxation; exempting certain disabled war veterans from the motor vehicle registration tax; amending Minnesota Statutes 1976, Section 168.031.

Referred to the Committee on Transportation.

Messrs. Kleinbaum, Johnson and Ashbach introduced—

S. F. No. 134: A bill for an act relating to peace officers; training; creating a Minnesota peace officers training account; providing penalties; appropriating money; amending Minnesota Statutes 1976, Chapter 626, by adding sections.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Davies questioned the reference thereon and, under

Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Stokowski introduced—

S. F. No. 135: A bill for an act relating to retirement; including employees of soil and water conservation districts in membership in the public employees retirement association; amending Minnesota Statutes 1976, Section 353.01, Subdivision 6; and Chapter 353, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Ulland, J.; Dunn; Kirchner; Olhoft and Luther introduced—

S. F. No. 136: A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; requiring warning labels; prescribing penalties.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Laufenburger, Mrs. Brataas, Messrs. Lewis, Frederick and Solon introduced—

S. F. No. 137: A bill for an act relating to health; appropriating money to fund a program of graduate training in family practice for physicians.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Luther, Schrom, Benedict, Peterson and Strand introduced—

S. F. No. 138: A bill for an act relating to game and fish; violation of laws or regulations; conviction and ineligibility for licensing; amending Minnesota Statutes 1976, Sections 97.40, by adding a subdivision; and 98.52, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schrom, Bernhagen, Olson, Schmitz and Purfeerst introduced—

S. F. No. 139: A bill for an act relating to the environmental quality board; restrictions upon rules designating power line avoidance areas; amending Minnesota Statutes 1976, Section 116C.66.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schrom, Bernhagen, Chmielewski, Purfeerst and Olson introduced—

S. F. No. 140: A bill for an act relating to taxation; permitting a deduction from the sales tax by certain sales tax permit holders to defray the costs of collecting and remitting the tax; amending Minnesota Statutes 1976, Section 297A.26, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Tennessen, Willet, Davies and Laufenburger introduced—

S. F. No. 141: A bill for an act relating to highway traffic regulations; prohibiting the manufacture, sale or purchase of certain equipment, and the installation or use thereof in motor vehicles; providing for the seizure, confiscation and disposition thereof; prescribing penalties; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

Referred to the Committee on Transportation.

Mr. Borden introduced—

S. F. No. 142: A bill for an act relating to Aitkin county; authorizing sale of certain tax forfeited lakeshore property.

Referred to the Committee on Local Government. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Tennessen, Lessard, Spear, Kleinbaum and Sillers introduced—

S. F. No. 143: A bill for an act relating to crimes and criminals; prohibiting certain acts against railroad employees and others, and railroad property; prescribing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

Referred to the Committee on Judiciary.

Mr. Sikorski introduced—

S. F. No. 144: A bill for an act relating to appropriations; establishing the Father Miller memorial chapel fund.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Lewis, Sieloff, Gearty, Purfeerst and Penny introduced—

S. F. No. 145: A bill for an act relating to transportation, particular uses of highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Wegener, Renneke and Olhoft introduced—

S. F. No. 146: A bill for an act relating to health and safety; licensing and certification of ambulance services; amending Minnesota Statutes 1976, Chapter 144, by adding a section; Sections 144.801; 144.802; 144.803; 144.804; and 144.805.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davies, Tennessen and Sikorski introduced—

S. F. No. 147: A bill for an act relating to commerce; limiting deficiency judgments in consumer transactions; restricting waiver of garnishment exemptions; amending Minnesota Statutes 1976, Section 550.37, Subdivision 4.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S. F. No. 148: A bill for an act relating to insurance; purchase of group insurance for employees of governmental subdivisions; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Davies, Gearty, Moe and Dieterich introduced—

S. F. No. 149: A bill for an act proposing an amendment to the Minnesota Constitution; repealing Article X, Section 6; repealing the taconite amendment.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Gearty, Kirchner and Keefe, S. introduced—

S. F. No. 150: A bill for an act relating to courts; providing for the election of Hennepin county municipal judges at the uniform municipal election; amending Minnesota Statutes 1976, Section 488A.021, Subdivision 3.

Referred to the Committee on Elections.

Messrs. Davies, Dieterich and Bernhagen introduced—

S. F. No. 151: A bill for an act relating to crimes and criminals; making uniform the penalties for various misdemeanors and other similar type offenses; amending Minnesota Statutes 1976, Sections 12.34, Subdivision 3; 12.45; 17.23, Subdivision 3; 21.122; 21.58, Subdivision 1; 24.181; 29.091, Subdivision 7; 29.28; 31.185, Subdivision 13; 31.403; 31.58; 31.611; 32.101; 32.205; 32.534; 32.645, Subdivision 2; 33.091; 33.171; 34.113; 35.70, Subdivision 1; 64A.46, Subdivision 2; 65B.13; 69.58; 71A.08, Subdivision 1;

79.23; 88.11, Subdivision 2; 88.13, Subdivision 3; 88.14, Subdivision 2; 88.19; 127.17, Subdivision 4; 127.19; 127.20; 145.24, Subdivision 3; 145.35, Subdivision 2; 154.19; 168.275; 168.36, Subdivision 2; 169.121, Subdivisions 3 and 4; 175.34; 180.10; 181.30; 183.61, Subdivision 6; 197.59; 218.071, Subdivision 2; 219.383, Subdivision 5; 219.57; 219.97, Subdivisions 1, 6, 8, 9, and 16; 222.06; 223.08, Subdivision 1; 229.19; 229.20; 232.06, Subdivision 7; 235.04; 239.23; 239.24; 239.44; 239.511, Subdivision 3; 297.25, Subdivision 1; 299G.10; 299H.28; 299I.22; 325.245, Subdivision 7; 325.48; 325.77, Subdivision 6; 325.83, Subdivision 2; 325.84, Subdivision 5; 327.07; 329.17, Subdivision 2; 333.13; 333.135; 340.90; 346.23; 346.26; 346.28; 346.29; 373.26, Subdivision 5; 395.22; 481.05; 488A.06, Subdivision 4; 509.02; 509.03; 514.66; 609.17, Subdivision 4; 617.23; 624.03; 624.65, Subdivision 3; 631.04; and 641.10; repealing Minnesota Statutes 1976, Sections 31.405; 35.70, Subdivision 2; and 340.83.

Referred to the Committee on Judiciary.

Messrs. Davies and Schaaf introduced—

S. F. No. 152: A bill for an act relating to commerce; interest rates on money; authorizing variable or indexed principal contracts; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

Referred to the Committee on Commerce.

Messrs. Davies, Gearty, Coleman and Ogdahl introduced—

S. F. No. 153: A bill for an act relating to evidence; limiting use of certain kinds of records of legislative proceedings.

Referred to the Committee on Judiciary.

Messrs. Davies, Sikorski and Sieloff introduced—

S. F. No. 154: A bill for an act relating to courts; providing for treatment of class actions; enacting the uniform class actions act.

Referred to the Committee on Judiciary.

Messrs. Davies, Gearty and Sieloff introduced—

S. F. No. 155: A bill for an act relating to legislation; providing that selected statutes shall be subject to judicial modification as is common law; amending Minnesota Statutes 1976, Chapter 645, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Anderson, Coleman, Sillers, Merriam and Gunderson introduced—

S. F. No. 156: A bill for an act relating to education; reorganiz-

ing school districts; providing for the election of new school boards; requiring transitional planning; providing a penalty; appropriating money; amending Minnesota Statutes 1976, Sections 120.02, Subdivision 14; 122.02; 122.03, by adding a subdivision; 123.32, Subdivisions 1, 9, 10, 12, 15 and 25; 123.33, Subdivision 1; 123.34, Subdivision 1; repealing Minnesota Statutes 1976, Sections 122.22; 122.23; 122.25; 122.32; 122.34; 122.355; 122.41; 122.43; 122.44; 122.45; 122.46; 122.47; 122.48; 122.51; 122.52; 122.53; 123.11; 123.12; 123.13; 123.14; 123.15; 123.16; 123.17; 123.18; 123.19; 123.20; 123.21; 123.32, Subdivision 23; 123.51; 123.68; 128.01; 128.02; 128.03; 128.04; 128.05; 128.06; and 128.069.

Referred to the Committee on Education.

Messrs. Willet; Keefe, S.; Johnson and Moe introduced—

S. F. No. 157: A bill for an act relating to elections; providing for payment of costs of certain special elections; amending Minnesota Statutes 1976, Section 204A.24.

Referred to the Committee on Elections.

Messrs. Willet, Lessard, Merriam, Gearty and Olson introduced—

S. F. No. 158: A bill for an act relating to counties; payments in lieu of taxes on certain tax exempt land; appropriating funds.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stokowski, Ogdahl, Strand, Renneke and Peterson introduced—

S. F. No. 159: A bill for an act relating to retirement; correcting outdated references in the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 25; 354.41, Subdivision 3; 354.49, Subdivision 1; 354.53, Subdivision 1; 354.55, Subdivisions 6, 15, and 18; and 354.58.

Referred to the Committee on Governmental Operations.

Messrs. Davies, Merriam, Gearty, Dieterich and Sillers introduced—

S. F. No. 160: A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivisions 1 and 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271.

by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.06, Subdivision 5; 271.11; 271.14; and 271.16.

Referred to the Committee on Judiciary. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Stokowski, Chenoweth and Solon introduced—

S. F. No. 161: A bill for an act relating to retirement; firemen's survivor benefits and service and disability benefits in the cities of Minneapolis, St. Paul, and Duluth; amending Minnesota Statutes 1976, Section 69.48.

Referred to the Committee on Governmental Operations.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 110: A bill for an act relating to the operation of state government; authorizing the governor to temporarily alter or adjust state work and compensation practices in order to minimize state government's energy consumption.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 25, 1977

Mr. President:

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

House Concurrent Resolution No. 3: A House concurrent resolution relating to adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 25, 1977

House Concurrent Resolution No. 3: A House concurrent resolution relating to adjournment.

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that when either the House of Representatives or the Senate adjourns on January 27, 1977, it may adjourn to any date not later than February 1, 1977.

Mr. Coleman moved that House Concurrent Resolution No. 3 be now adopted. The motion prevailed. So the resolution was adopted.

REPORTS OF COMMITTEES

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which were referred the following appointments as reported in the Journal for January 6, 1977:

STATE BOARD OF HEALTH

Dr. Van S. Lawrence

Beverly Smerling

Thaloyce Wells

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

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 48: A bill for an act relating to Becker county; ratifying sales of certain tax-forfeited lands.

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

Page 1, line 13, after the period insert:

“Approval of this act by the local unit of government is not required.”

And when so amended the bill do pass and be placed on the Consent Calendar.

Mr. Davies moved the adoption of the foregoing Committee Report. The motion prevailed. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 70: A bill for an act relating to judgments; providing for enforcement of foreign judgments in courts of this state.

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

Mr. Davies moved the adoption of the foregoing Committee Report. The motion prevailed. Report adopted.

SECOND READING OF SENATE BILLS

S. F. No. 48 was read the second time.

S. F. No. 70 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Kleinbaum moved that the name of Mr. Nichols be added as co-author to S. F. No. 57. 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.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate for the balance of today's proceedings. The following Senators answered to their names:

Anderson	Dieterich	Knutson	Olhoft	Solon
Ashbach	Engler	Laufenburger	Olson	Spear
Bang	Gearty	Lessard	Penny	Staples
Benedict	Gunderson	Lewis	Perpich	Stokowski
Bernhagen	Hughes	Luther	Pillsbury	Stumpf
Borden	Humphrey	McCutcheon	Purfeerst	Tennessee
Brataas	Jensen	Merriam	Renneke	Vega
Chenoweth	Johnson	Milton	SchAAF	Wegener
Chmielewski	Keefe, S.	Moe	Schrom	
Coleman	Kleinbaum	Nichols	Sieloff	
Davies	Knoll	Ogdahl	Sikorski	

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved to revert to the Order of Business of Reports of Committees. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35, S. F. Nos. 1, 39, 45, 56, 69, 79, 95, 100, 102, 103, 127 and 128, reports the same back with the recommendation that the bills be re-referred as follows:

S. F. Nos. 1, 79, 100, 127 and 128 to the Committee on Agriculture and Natural Resources

S. F. No. 39 to the Committee on Education.

S. F. Nos. 45, 95 to the Committee on Employment

S. F. Nos. 56, 69 to the Committee on Judiciary

S. F. No. 102 to the Committee on Local Government

S. F. No. 103 to the Committee on Taxes and Tax Laws

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman, for the Committee on Rules and Administration, moved to amend Senate Resolution No. 3, adopted Tuesday, January 4, 1977, establishing Senate employees' positions and salaries as shown in the Journal of the first day, as follows:

In the "Senate Counsel" classification under the heading "number of positions" strike "12" and insert "13"

In the "Senate Counsel" classification under the heading "Salary Per Day" insert "1 @ \$53.42"

Mr. Coleman moved the adoption of the amendment.

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

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

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

Rev. Vernon D. Gunderman, Chaplain, effective February 7, 1977

Steve Aguilar, Page, effective January 24, 1977

JoAnne Zoff, Senate Counsel, effective January 27, 1977

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

Mr. Coleman introduced—

Senate Resolution No. 17: A Senate resolution relating to mileage and per diem living expenses.

BE IT RESOLVED, by the Senate of the State of Minnesota:

Each member who has moved from his usual place of lodging during a substantial part of the sessions of the 70th Legislature shall receive mileage for necessary travel in going to and returning from the place of meeting to his place of residence in the amount of 16 cents per mile, or such greater amount as may be

authorized by the Commissioner of Personnel for state employees, for each such trip during the 70th Legislature.

Each member who has moved from his usual place of lodging during a substantial part of the sessions of the 70th Legislature shall receive living expenses for each calendar day during sessions of the 70th Legislature in the amount of \$48 per day.

Each member of the Senate who has not so changed his place of lodging for a substantial part of the sessions of the 70th Legislature shall receive living expenses for each calendar day during sessions of the 70th Legislature in the amount of \$40 per day.

Each member of the Senate shall certify in writing to the Secretary of the Senate prior to the issuance of the first of the warrants for each of the sessions of the 70th Legislature whether or not he has moved from his usual place of lodging and each member shall also certify, in writing, for his actual travel for which he seeks reimbursement.

The Secretary of the Senate is authorized and directed to prepare and issue warrants in payment of mileage and living expenses to each member of the Senate from the Senate Legislative Expense Fund.

Mr. Coleman moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

Mr. Coleman moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 40 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Luther	Ogdahl	Solon
Borden	Hughes	McCutcheon	Olhoff	Spear
Chenoweth	Humphrey	Menning	Perpich	Staples
Coleman	Johnson	Merriam	Peterson	Stokowski
Davies	Keefe, S.	Milton	Purfeerst	Stumpf
Dieterich	Kleinbaum	Moe	Schaaf	Tennessee
Garty	Knoll	Nelson	Sieloff	Vega
Gunderson	Lewis	Nichols	Sikorski	Willet

Those who voted in the negative were:

Ashbach	Chmielewski	Keefe, J.	Penny	Strand
Bang	Dunn	Knutson	Pillsbury	Ueland, A.
Benedict	Engler	Laufenburger	Renneke	Ulland, J.
Bernhagen	Frederick	Lessard	Schrom	Wegener
Brataas	Jensen	Olson	Sillers	

The motion prevailed. So the resolution was adopted.

CONSENT CALENDAR

S. F. No. 11: A bill for an act authorizing the city of Kenyon to construct, furnish and equip a medical clinic, to lease the medical clinic, to issue general obligation bonds for such purpose; validating action heretofore taken.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 12:00 o'clock noon, Tuesday, February 1, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TENTH DAY

St. Paul, Minnesota, Tuesday, February 1, 1977

The Senate met at 12:00 o'clock noon and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Frederick	Knoll	Peterson	Tennessee
Ashbach	Gearty	Knutson	Purfeerst	Ueland, A.
Bang	Gunderson	Laufenburger	Schrom	Vega
Benedict	Hanson	Lewis	Sikorski	Wegener
Bernhagen	Hughes	Menning	Solon	Willet
Borden	Humphrey	Merriam	Spear	
Chenoweth	Keefe, S.	Milton	Staples	
Chmielewski	Kirchner	Ogdahl	Strand	
Engler	Kleinbaum	Penny	Stumpf	

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

Prayer was offered by the Chaplain, Rev. William D. Young.

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

Anderson	Gearty	Laufenburger	Olson	Staples
Ashbach	Gunderson	Lessard	Penny	Stokowski
Bang	Hanson	Lewis	Peterson	Strand
Benedict	Hughes	Luther	Purfeerst	Stumpf
Bernhagen	Humphrey	Menning	Renneke	Tennessee
Borden	Jensen	Merriam	Schaaf	Ueland, A.
Chenoweth	Keefe, J.	Milton	Schrom	Ulland, J.
Chmielewski	Keefe, S.	Moe	Sieloff	Vega
Davies	Kirchner	Nelson	Sikorski	Wegener
Dunn	Kleinbaum	Nichols	Sillers	Willet
Engler	Knoll	Ogdahl	Solon	
Frederick	Knutson	Olhoft	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

Mrs. Brataas, Messrs. Coleman, Dieterich, Johnson, McCutcheon, Perpich, Pillsbury and Schmitz were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

January 25, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Charles Weaver, 830 River Lane, Anoka, Anoka County, has been appointed by me, effective January 25, 1977, for a term expiring January 5, 1981.

Sincerely,
Rudy Perpich, Governor

Referred to the Committee on Governmental Operations.

January 26, 1977

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 110.

Sincerely,
Rudy Perpich, Governor

January 26, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1977 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1977	Date Filed 1977
110		1	January 26	January 26

Sincerely,
Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. McCutcheon, Bernhagen, Wegener, Laufenburger and Kleinbaum introduced—

S. F. No. 162: A bill for an act relating to intoxicating liquor; civil liability for illegal sale, barter or gift thereof; amending Minnesota Statutes 1976, Sections 340.95 and 340.951.

Referred to the Committee on Judiciary.

Messrs. Humphrey, Milton, Solon, Lewis and Sikorski introduced—

S. F. No. 163: A bill for an act relating to education; vocational training for handicapped persons; establishing a special office for handicapped persons in the department of vocational rehabilitation; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Sikorski, Davies, Hanson and Knutson introduced—

S. F. No. 164: A bill for an act relating to courts; eliminating erroneous and ambiguous references; repealing obsolete provisions relating to municipal courts outside Hennepin and Ramsey counties; amending Minnesota Statutes 1976, Sections 2.724, Subdivision 3; 480.055, Subdivision 1; 487.01, Subdivision 8; 487.16; 487.38; 488A.10, Subdivision 6; 488A.113; 488A.27, Subdivision 6; 488A.282; 525.011, Subdivision 1; 525.013, Subdivisions 1 and 8; and 525.014; repealing Minnesota Statutes 1976, Chapter 488.

Referred to the Committee on Judiciary.

Messrs. Nelson, Davies, Merriam, Gearty and Knutson introduced—

S. F. No. 165: A bill for an act relating to property; providing for the disposition of certain interests at death; enacting the uniform disposition of community property rights at death act.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, S.; Stumpf and Knutson introduced—

S. F. No. 166: A bill for an act relating to real estate; landlord and tenant; venue of actions brought to recover rent deposits; amending Minnesota Statutes 1976, Section 504.20, Subdivision 7.

Referred to the Committee on Judiciary.

Messrs. Wegener, Dunn and Olhoft introduced—

S. F. No. 167: A bill for an act relating to ambulance services; reimbursing volunteer ambulance attendants for training school expenses; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Strand and Nichols introduced—

S. F. No. 168: A bill for an act relating to Yellow Medicine county; authorizing participation in a mental health services program outside its region.

Referred to the Committee on Local Government. Mr. Solon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Stokowski, Spear, Ogdahl, Knoll and Chenoweth introduced—

S. F. No. 169: A bill for an act relating to taxation; delayed assessment of value added by restoration, preservation, and rehabilitation of historically designated buildings.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoft, Lessard, Renneke, Hanson and Wegener introduced—

S. F. No. 170: A bill for an act relating to political subdivisions; regulating certain interests in contracts by public officials; amending Minnesota Statutes 1976, Section 471.88, Subdivisions 2, 5, and 8.

Referred to the Committee on Local Government.

Mr. Schaaf introduced—

S. F. No. 171: A bill for an act relating to taxation; exempting advertising billboards from property taxation; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nelson, Strand, Gunderson and Mrs. Brataas introduced—

S. F. No. 172: A bill for an act relating to education; school districts; community services levy; authorizing meeting notices to satisfy compliance requirement of meetings with municipalities; amending Minnesota Statutes 1976, Section 275.125, Subdivision 8.

Referred to the Committee on Education.

Messrs. Hanson, Moe and Lessard introduced—

S. F. No. 173: A bill for an act relating to Kittson county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing and collecting the same and prescribing penalties for violations thereof.

Referred to the Committee on Local Government.

Mrs. Staples, Messrs. Benedict and Humphrey introduced—

S. F. No. 174: A bill for an act relating to shade tree disease control; permitting the pollution control agency to promulgate rules governing the transportation and disposal of diseased shade trees; providing for grants-in-aid to municipalities for reforestation; permitting open burning of diseased shade trees by municipali-

ties; authorizing a special levy for shade tree disease control; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 2, 3 and 3a; 116.07, Subdivision 4; and 275.50, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davies, Sikorski, Pillsbury, Strand and Borden introduced—

S. F. No. 175: A bill for an act creating a Minnesota law revision commission; prescribing its duties and functions; and appropriating funds for its operation.

Referred to the Committee on Governmental Operations.

Messrs. Olhoft, Gunderson, Renneke, Benedict and Lessard introduced—

S. F. No. 176: A bill for an act allowing money in the state treasury not currently needed to be invested in the local government pooled investment fund; establishing and setting forth procedures for a state investment pool for local government funds; amending Minnesota Statutes 1976, Section 11.10, Subdivision 1; and Chapter 11, by adding sections.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Ogdahl, Chenoweth, Coleman and McCutcheon introduced—

S. F. No. 177: A bill for an act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain labor service employees of the metropolitan waste control commission; amending Minnesota Statutes 1976, Sections 352.01, Subdivision 2B; 473.141, Subdivision 12; and 473.511, Subdivision 3.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Borden 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 was re-referred under Rule 35, together with the committee report thereon,

S. F. No. 17: A bill for an act relating to education; higher education coordinating board; providing for non-citizen students to be eligible for scholarships and grants-in-aid; amending Minnesota Statutes 1976, Section 136A.121, Subdivisions 1 and 2.

Reports the same back with the recommendation that the report of the Committee on Education shown in the Journal for

January 24, 1977 that "when so amended the bill do pass" be adopted and the bill be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS

Mr. Luther moved that the name of Mr. Chenoweth be added as co-author to S. F. No. 97. The motion prevailed.

Mr. Solon moved that the name of Mr. Schrom be added as co-author to S. F. No. 112. The motion prevailed.

Mr. Menning moved that the name of Mr. Penny be added as co-author to S. F. No. 51. The motion prevailed.

Mr. Knutson moved that the name of Mr. Pillsbury be added as co-author to S. F. No. 55. The motion prevailed.

Mr. Luther moved that S. F. No. 131 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Elections. The motion prevailed.

CONSENT CALENDAR

S. F. No. 48: A bill for an act relating to Becker county; ratifying sales of certain tax-forfeited lands.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gerty	Lessard	Penny	Stokowski
Ashbach	Gunderson	Lewis	Peterson	Strand
Bang	Hanson	Luther	Purfeerst	Stumpf
Benedict	Hughes	Menning	Renneke	Tennesen
Bernhagen	Humphrey	Merriam	Schaaf	Ueland, A.
Borden	Jensen	Milton	Schrom	Ulland, J.
Chenoweth	Keefe, S.	Moe	Sieloff	Vega
Chmielewski	Kirchner	Nelson	Sikorski	Willet
Davies	Kleinbaum	Nichols	Sillers	
Dunn	Knoll	Ogdahl	Solon	
Engler	Knutson	Olhoft	Spear	
Frederick	Laufenburger	Olson	Staples	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Borden moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, February 3, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

ELEVENTH DAY

St. Paul, Minnesota, Thursday, February 3, 1977

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

CALL OF THE SENATE

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

Anderson	Frederick	Lessard	Pillsbury	Strand
Ashbach	Gearty	Lewis	Purfeerst	Stumpf
Bang	Gunderson	Luther	Schaaf	Ueland, A.
Benedict	Hanson	McCutcheon	Schmitz	Ulland, J.
Bernhagen	Hughes	Menning	Sieloff	Vega
Borden	Humphrey	Merriam	Sikorski	Wegener
Brataas	Jensen	Nichols	Sillers	Willet
Coleman	Johnson	Olhoft	Solon	
Dieterich	Kirchner	Penny	Spear	
Dunn	Kleinbaum	Perpich	Staples	
Engler	Laufenburger	Peterson	Stokowski	

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

Prayer was offered by the Chaplain, Rev. William D. Young.

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

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

Messrs. Keefe, S.; Milton and Tennesen were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Sikorski, Milton, Luther, Schaaf and Stokowski introduced—

S. F. No. 178: A bill for an act relating to financial institutions; regulating interest charges on certain escrow accounts; amending Minnesota Statutes 1976, Section 47.20, Subdivision 8.

Referred to the Committee on Commerce.

Messrs. Renneke, Wegener, Purfeerst, Dunn and Strand introduced—

S. F. No. 179: A bill for an act relating to public utilities; restricting construction of electric transmission lines to certain areas; amending Minnesota Statutes 1976, Section 116C.57, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stokowski, Ogdahl, Strand, Peterson and Renneke introduced—

S. F. No. 180: A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1976, Sections 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9, and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Ogdahl, Strand, Peterson and Renneke introduced—

S. F. No. 181: A bill for an act relating to retirement; election of trustees to the public employees retirement association board of trustees; amending Minnesota Statutes 1976, Section 353.03, Subdivision 1; repealing Minnesota Statutes 1976, Section 353.03, Subdivision 2a.

Referred to the Committee on Governmental Operations.

Messrs. Davies, Humphrey, Sikorski and Keefe, J. introduced—

S. F. No. 182: A bill for an act relating to courts; criminal

procedure; conforming certain statutory provisions to the rules of criminal procedures, and eliminating certain other statutory provisions which conflict with the rules; amending Minnesota Statutes 1976, Sections 169.89, Subdivision 2; 242.13; 357.32; 388.05; 484.07; 484.08; 484.30; 484.63; 487.25, Subdivisions 6 and 8; 487.28; 487.39, Subdivisions 1 and 3; 487.40, Subdivision 1; 488A.08, Subdivisions 1 and 2; 488A.10, Subdivisions 6 and 9; 488A.25; 487A.27, Subdivisions 6 and 9; 546.11; 546.12; 593.13, by adding a subdivision; 593.14, by adding a subdivision; 609.115, Subdivisions 1 and 4; 609.116, Subdivision 1; 609.155, Subdivision 2; 611.06; 628.02; 628.10; 628.11; 628.12; 628.13; 628.15; 628.16; 628.17; 628.18; 628.20; 628.21; 628.22; 628.23; 628.24; 628.27; 628.41; 628.42; 628.45; 628.46; 628.49; 628.53; 628.54; 628.56; 628.57; 628.63; 628.68; 629.47; 629.48; 629.49; 629.58; 629.61; 629.64; 630.18; 631.05; 633.02; 633.06; 633.07; 633.08; 633.09; 633.10; 633.20; 633.21; 633.22; 633.30; 633.35; 633.37; repealing Minnesota Statutes 1976, Sections 211.31; 484.29; 487.25, Subdivisions 1, 2, 3, 4 and 5; 488A.01, Subdivision 11; 488A.10, Subdivisions 1, 2, 3, 4 and 5; 488A.18, Subdivision 12; 488A.27, Subdivisions 1, 2, 3, 4 and 5; 611.04; 611.08; 627.01; 627.03 to 627.10; 627.13; 627.14; 628.01; 628.03; 628.04 to 628.08; 628.14; 628.19; 628.29 to 628.33; 628.52; 628.55; 628.58; 628.59; 628.64; 629.42; 629.43; 629.46; 629.50 to 629.52; 629.57; 630.01 to 630.03; 630.05 to 630.11; 630.13 to 630.16; 630.18 to 630.30; 630.34; 631.01; 631.015; 631.03; 631.07; 631.08; 631.10; 631.11; 631.16; 631.18; 631.19; 631.23 to 631.32; 631.34; 631.35; 631.37 to 631.39; 632.01 to 632.13; 632.22; 633.03; 633.11; 633.12 to 633.15.

Referred to the Committee on Judiciary.

Messrs. Davies, Luther, Solon and Keefe J. introduced—

S. F. No. 183: A bill for an act relating to franchises; amending Minnesota Statutes 1976, Sections 80C.01, Subdivision 4; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Davies, McCutcheon, Knutson and Keefe S. introduced—

S. F. No. 184: A bill for an act relating to taxation; repealing the tax increment financing law; amending Minnesota Statutes 1976, Sections 462.585, Subdivision 1; 472A.06; and 474.10, Subdivisions 1 and 4; repealing Minnesota Statutes 1976, Sections 458.192, Subdivision 11; 462.585, Subdivisions 2, 3, and 4; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth, Lewis, Schaaf, Knutson and Sieloff introduced—

S. F. No. 185: A bill for an act relating to education; Mon-

tessori schools; excluding Montessori schools from day care regulation; amending Minnesota Statutes 1976, Section 245.791.

Referred to the Committee on Education.

Messrs. Davies, Penny, Solon and Keefe, S. introduced—

S. F. No. 186: A bill for an act relating to revolving charge accounts; computation of average daily balance; amending Minnesota Statutes 1976, Section 334.16, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Davies, Ogdahl, Tennessen, Borden and Moe introduced—

S. F. No. 187: A bill for an act relating to state government; providing for the maintenance of spending priorities established by state law in cases of legal challenge; appropriating money; amending Minnesota Statutes 1976, Section 8.14.

Referred to the Committee on Judiciary. Mr. Schaaf questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Davies, Mrs. Brataas and Mr. Keefe, S. introduced—

S. F. No. 188: A bill for an act relating to crimes; correcting references in the laws relating to criminal sexual conduct; amending Minnesota Statutes 1976, Sections 246.43, Subdivision 1; 609.11, Subdivision 1; 609.195; 609.293, Subdivision 5; and 609.341, Subdivision 10; repealing Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4.

Referred to the Committee on Judiciary.

Messrs. Nichols; Keefe, S.; Spear and Keefe, J. introduced—

S. F. No. 189: A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; amending Minnesota Statutes 1976, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; and 609.615.

Referred to the Committee on Judiciary.

Messrs. Spear, Merriam, Mrs. Staples, Messrs. Kleinbaum and Ogdahl introduced—

S. F. No. 190: A bill for an act relating to Minnesota culture; appropriating money for Minnesota folklife.

Referred to the Committee on Finance.

Messrs. Spear, Dieterich, Sieloff, Sikorski and Hanson introduced—

S. F. No. 191: A bill for an act relating to adoption; authorizing release of birth information to adopted persons; requiring waiting period for objections from parents; amending Minnesota Statutes 1976, Sections 144.151, by adding a subdivision; 144.176, Subdivision 1, and by adding subdivisions.

Referred to the Committee on Judiciary.

Messrs. Spear; Dieterich; Milton; Keefe, S. and Keefe, J. introduced—

S. F. No. 192: A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding subdivisions; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

Referred to the Committee on Employment. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Spear, Tennesen, Dieterich, Davies and Keefe, J. introduced—

S. F. No. 193: A bill for an act relating to courts; juvenile courts in Ramsey and Hennepin counties; providing terms for district judges designated as juvenile judges; amending Minnesota Statutes 1976, Section 260.021, Subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Ueland, A.; McCutcheon; Sieloff; Merriam and Frederick introduced—

S. F. No. 194: A bill for an act relating to cemeteries; prohibiting trespassing on public or private cemeteries; providing penalties; amending Minnesota Statutes 1976, Section 307.08, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Johnson and Milton introduced—

S. F. No. 195: A bill for an act relating to the city of Ely; providing grants-in-aid for the operation and maintenance of a waste water tertiary treatment facility; appropriating money.

Referred to the Committee on Local Government.

Messrs. Keefe, S.; Kirchner; Kleinbaum; Mrs. Staples and Mr. Milton introduced—

S. F. No. 196: A bill for an act relating to welfare; establishing evening child care programs for students at certain educational institutions; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Humphrey, Olhoft and Merriam introduced—

S. F. No. 197: A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; prescribing penalties.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Hughes, Coleman, Moe, Anderson and Sillers introduced—

S. F. No. 198: A bill for an act relating to education; creating a legislative educational finance study commission; appropriating money.

Referred to the Committee on Education.

Messrs. Purfeerst, Wegener, Renneke and Moe introduced—

S. F. No. 199: A bill for an act relating to taxation; providing certain gift and inheritance tax benefits to joint tenants who are spouses; amending Minnesota Statutes 1976, Sections 291.01, Subdivision 4; and 292.01, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Solon, Spear, Bang and Kleinbaum introduced—

S. F. No. 200: A bill for an act relating to banking; authorized investments and powers of savings banks; amending Minnesota Statutes 1976, Sections 50.14, Subdivision 5; 50.148; and 50.157.

Referred to the Committee on Commerce.

Messrs. Davies, McCutcheon, Sieloff, Sikorski and Knutson introduced—

S. F. No. 201: A bill for an act relating to crimes; prohibiting devices intended to be used to avoid payment of long distance telecommunications services; prescribing penalties; amending Minnesota Statutes 1976, Section 609.785.

Referred to the Committee on Judiciary.

Messrs. Moe, Chenoweth, Penny, Kirchner and Laufenburger introduced—

S. F. No. 202: A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the departments of employment services and vocational rehabilitation; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15A.081, Subdivision 1; 15.0411, Subdivision 2; 43.09, Subdivision 2a; 62E.52, Subdivision 7; 129A.01; 144.656; 144A.611, Subdivision 3; 144A.10, Subdivision 8; 145.895; 245.75; 245.76; 245.765, Subdivision 1; 245.77; 256.01, Subdivision 2; 256.011; 256.045; 256.462, Subdivision 3; 256.482, Subdivision 1; 256.73, Subdivision 2; 256.736, Subdivisions 2, 3, 4, 5 and 7; 256.75; 256.863; 256.871, Subdivision 7; 256.88; 256.89; 256.90; 256.91; 256.92; 256.965; 256.978; 256B.02, Subdivision 5; 256B.041, Subdivision 6; 256B.064, Subdivision 2; 256B.26; 256B.27; 256B.30; 256B.35, Subdivision 2; 256D.01, Subdivisions 1 and 2; 256D.02, Subdivisions 2, 3, 4 and 11; 256D.11, Subdivisions 1, 2, 6, 7 and 9; 256D.22; 256D.35, Subdivisions 1, 5 and 6; 256D.39; 256D.41; 261.003; 261.232; 261.25; 268.04, Subdivision 8; and Laws 1976, Chapter 332, Section 9, Subdivisions 1, 7 and 8; repealing Minnesota Statutes 1976, Sections 129A.02, Subdivision 1; 256.01, Subdivisions 3 and 4; 256.12, Subdivisions 10, 14 and 15; and 256.73, Subdivision 5.

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

Mr. Sieloff introduced—

S. F. No. 203: A bill for an act relating to taxation; excluding amounts received by beneficiaries from individual retirement accounts or self-employed plans from estate for inheritance tax purposes; amending Minnesota Statutes 1976, Section 291.065.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kleinbaum, Luther and Keefe, J. introduced—

S. F. No. 204: A bill for an act relating to taxation; prescribing a tax on certain food and beverage containers sold at retail in this state; appropriating the proceeds to the pollution control agency for solid waste control programs.

Referred to the Committee on Taxes and Tax Laws. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Peterson, Sillers, Hanson and Moe introduced—

S. F. No. 205: A bill for an act relating to taxation; requiring notice of Minnesota use tax to be paid in advertisements of farm implements sold by merchants in other states; amending Minnesota Statutes 1976, Chapter 297A, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Mr. Vega introduced—

S. F. No. 206: A bill for an act relating to metropolitan council; changing the council district for the city of Lakeville; amending Minnesota Statutes 1976, Section 473.123, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Moe, Willet and Gunderson introduced—

S. F. No. 207: A bill for an act relating to historic sites; providing for the administration and control of additional sites by the Minnesota historical society; appropriating money; amending Minnesota Statutes 1976, Section 138.025, by adding subdivisions; repealing Minnesota Statutes 1976, Section 138.025, Subdivision 9.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olhoft, Tennessen, Solon, Sikorski and Bang introduced—

S. F. No. 208: A bill for an act relating to labor; prohibiting certain terms in employment contracts relating to inventions by employees.

Referred to the Committee on Employment. Mr. Olhoft questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Davies, Lessard, Merriam and Knutson introduced—

S. F. No. 209: A bill for an act relating to creditor's remedies; enacting the uniform exemptions act; amending Minnesota Statutes 1976, Sections 69.61; 290.48, Subdivision 2; 290.92, Subdivision 6; 297A.33, Subdivision 6; 571.41, Subdivision 5; and 571.42, Subdivision 2; repealing Minnesota Statutes 1976, Sections 550.37; 550.38; 550.39 and 550.41.

Referred to the Committee on Judiciary.

Messrs. Frederick, Chmielewski, Engler and Dunn introduced—

S. F. No. 210: A bill for an act relating to taxation; altering procedure for obtaining refunds of tax on gasoline or special fuels not used in motor vehicles or for aviation purposes; appropriating money; amending Minnesota Statutes 1976, Sections 290.06, by adding a subdivision; and 296.18, Subdivisions 1, 1a, 2, and 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olson, Olhoft, Lessard, Hanson and Dunn introduced—

S. F. No. 211: A bill for an act relating to negligence; proscrib-

ing certain liability of good samaritans; amending Minnesota Statutes 1976, Section 604.05.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Spear; Tennessen; Davies and Ogdahl introduced—

S. F. No. 212: A bill for an act relating to municipalities; amending the definition of municipality for shade tree disease control; amending Minnesota Statutes, 1975 Supplement, Section 18.023, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Spear, Knoll, Gearty, Ogdahl and Stokowski introduced—

S. F. No. 213: A bill for an act relating to the city of Minneapolis; relating to elections; allowing regulation of campaign financing solely by local ordinance which contains at least the requirements of Minnesota Statutes, Chapter 10A; providing penalties.

Referred to the Committee on Elections.

Messrs. Stokowski; Keefe, S.; Davies; Ogdahl and Spear introduced—

S. F. No. 214: A bill for an act relating to cities of the first class; establishing procedures for refunds of certain special assessments; amending Minnesota Statutes 1976, Section 430.07.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Ashbach, Chenoweth, Kirchner, Ogdahl and Milton introduced—

S. F. No. 215: A bill for an act relating to licensing; creating a one-stop center for issuance of certain state licenses; creating a task force to conduct feasibility study.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Schaaf questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Ashbach, Tennessen and Keefe, J. introduced—

S. F. No. 216: A bill for an act relating to municipal government; increasing the statute of limitations on tort claims brought against a municipality; amending Minnesota Statutes 1976, Section 466.05, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Laufenburger, Chmielewski and Olhoft introduced—

S. F. No. 217: A bill for an act relating to veterans; clarifying the definition of "veteran" for purposes of the purchase of tax-forfeited land; amending Minnesota Statutes 1976, Section 282.031; repealing Laws 1973, Chapter 700, Section 2.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Laufenburger, Wegener and Purfeerst introduced—

S. F. No. 218: A bill for an act relating to municipalities; procedures required for the letting of certain contracts; amending Minnesota Statutes 1976, Section 471.345, Subdivisions 3, 4 and 5.

Referred to the Committee on Local Government.

Messrs. Laufenburger, Chmielewski and Olhoft introduced—

S. F. No. 219: A bill for an act relating to veterans; redefining the word "veteran" for certain purposes; amending Minnesota Statutes 1976, Section 197.447.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Keefe, J.; Humphrey; Ulland, J. and Knoll introduced—

S. F. No. 220: A bill for an act relating to the operation of state government; establishing a system of periodic review of certain agencies; requiring economic impact information for proposed legislation and proposed administrative rules; providing for hearings; creating guidelines; establishing legislative review procedures for administrative rule-making; setting termination dates; amending Minnesota Statutes 1976, Chapter 3, by adding a section; and Sections 15.0412, by adding a subdivision; 15.0413, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Knoll, Kirchner, Knutson, Humphrey and Lewis introduced—

S. F. No. 221: A bill for an act relating to state government; purchase of products and services from sheltered workshops and work activity programs; setting standards for price determination; amending Minnesota Statutes 1976, Section 16.281, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Keefe, S.; Spear; Tennessen; Mrs. Brataas and Mr. Merriam introduced—

S. F. No. 222: A bill for an act relating to shade tree disease control; providing for state subsidization of local shade tree disease control and reforestation programs; removing limitation on municipal subsidies for private property owners; appropriating money; amending Minnesota Statutes 1976, Section 18.023, Subdivisions 1, 1a, 3a, 4 and 6.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bang, Gearty, Lewis, Laufenburger and Ashbach introduced—

S. F. No. 223: A bill for an act relating to deaf persons; providing that deaf persons with guide dogs have the same rights and protection as blind persons with guide dogs; amending Minnesota Statutes 1976, Sections 256C.02; 256C.025, Subdivision 4; 256C.03; 290.09, Subdivision 10; and 327.095.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Luther; Keefe, J. and Spear introduced—

S. F. No. 224: A bill for an act relating to commerce; providing a method for computing finance charges; amending Minnesota Statutes 1976, Section 48.185, Subdivision 3; and 334.16, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Luther, Olhoft, Schaaf and Dieterich introduced—

S. F. No. 225: A bill for an act relating to taxation; requiring payment of a minimum income tax by individuals; amending Minnesota Statutes 1976, Chapter 290, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Milton, Nelson, Solon, Vega and Keefe, S. introduced—

S. F. No. 226: A bill for an act relating to minimum wage; providing a higher minimum wage; lowering the credit for tips; amending Minnesota Statutes 1976, Sections 177.24; and 177.28, Subdivision 4.

Referred to the Committee on Employment.

Messrs. Wegener, Moe, Sillers and Purfeerst introduced—

S. F. No. 227: A bill for an act relating to education; loans to medical students; changing requirements for loan forgiveness and limitations on loan amounts; amending Minnesota Statutes 1976, Section 147.30.

Referred to the Committee on Education. Mr. Perpich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Pillsbury, Sikorski and Mrs. Staples introduced—

S. F. No. 228: A bill for an act relating to health; smoking by students; allowing certain students to smoke in designated smoking areas; amending Minnesota Statutes 1976, Section 609.685.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Hughes questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Peterson, Hanson, Lessard, Humphrey and Knoll introduced—

S. F. No. 229: A bill for an act relating to real estate; limiting assertion of interests in tax forfeited real estate.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Jensen, Bernhagen, Sillers, Bang and Frederick introduced—

S. F. No. 230: A bill for an act relating to taxation; exempting federal tax rebates from state income tax.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schaaf, Olhoft and Sikorski introduced—

S. F. No. 231: A bill for an act relating to state agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state.

Referred to the Committee on Governmental Operations.

Messrs. Laufenburger, Coleman, Mrs. Brataas, Messrs. Wegener and Keefe, S. introduced—

S. F. No. 232: A bill for an act relating to unemployment compensation; redefining "wages" for contribution purposes; changing contribution rates; providing for charging of benefits; increasing weekly benefits; redefining "credit week"; providing for disqualification for benefits; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 25 and 29; 268.06, Subdivisions 5 and 8; 268.07, Subdivision 2; and 268.09.

Referred to the Committee on Employment.

MESSAGES FROM THE HOUSE

Mr. President:

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

the following House File, herewith transmitted: H. F. No. 12.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 1, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 12: A bill for an act relating to Independent School District No. 15 and Independent School District No. 911; providing for a transfer of property between the districts.

Referred to the Committee on Education.

REPORTS OF COMMITTEES

Mr. Coleman moved that the reports pertaining to appointments be laid on the table. The motion prevailed.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for January 10, 1977:

MINNESOTA POLLUTION CONTROL AGENCY EXECUTIVE DIRECTOR

Sandra Gardebring

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

Mr. Chenoweth from the Committee on Governmental Operations, to which were referred the following appointments as reported in the Journal for January 24, 1977:

METROPOLITAN COUNCIL

Jim Daly

Todd Jeffery Lefko

Stanley B. Kegler

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

Mr. Chenoweth from the Committee on Governmental Operations, to which were referred the following appointments as reported in the Journal for January 17, 1977:

METROPOLITAN COUNCIL

Alton J. Gasper

Opal Peterson

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for February 1, 1977:

METROPOLITAN COUNCIL

Charles Weaver

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 6, 1977, and January 17, 1977:

METROPOLITAN COUNCIL

Betty Kane

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Perpich moved that the report from the Committee on Health, Welfare and Corrections, reported January 27, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Perpich moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported January 27, 1977, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE BOARD OF HEALTH

Ms. Thaloyce Wells, 886 Fuller Avenue, St. Paul, Ramsey County, effective May 3, 1976, for a term expiring January 1, 1978.

Dr. Van S. Lawrence, 2010 James Avenue South, Minneapolis, Hennepin County, effective May 3, 1976, for a term expiring January 1, 1980.

Ms. Beverly Smerling, 2552 West Lake of the Isles Boulevard, Minneapolis, Hennepin County, effective December 16, 1976, for a term expiring January 1, 1979.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Kleinbaum moved that the name of Mr. Lessard be added as co-author to S. F. No. 26. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 5:00 o'clock p.m., Monday, February 7, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWELFTH DAY

St. Paul, Minnesota, Monday, February 7, 1977

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Hanson	Lessard	Perpich	Spear
Ashbach	Hughes	Lewis	Peterson	Staples
Bang	Humphrey	McCutcheon	Pillsbury	Stokowski
Benedict	Jensen	Menning	Purfeerst	Strand
Bernhagen	Johnson	Merriam	Renneke	Stumpf
Borden	Keefe, S.	Milton	Schaaf	Tennessee
Coleman	Kirchner	Moe	Schmitz	Vega
Dieterich	Kleinbaum	Nelson	Sieloff	Wegener
Dunn	Knoll	Nichols	Sikorski	Willet
Gearty	Knutson	Ogdahl	Sillers	
Gunderson	Laufenburger	Penny	Solon	

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

Prayer was offered by the Chaplain, Rev. Vernon D. Gunderman.

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

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

The President declared a quorum present.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Humphrey, Lewis, Mrs. Brataas, Messrs. Menning and Chenoweth introduced—

S. F. No. 233: A bill for an act relating to education; Montessori schools; providing licensing procedure and exempting Montessori schools from certain regulations; providing penalties; amending Minnesota Statutes 1976, Section 245.791.

Referred to the Committee on Education.

Messrs. Ulland, J.; Kirchner; Dunn; Bang and Knutson introduced—

S. F. No. 234: A bill for an act relating to elections; providing that vacancies in the United States senate be filled by special election; amending Minnesota Statutes 1976, Section 202A.61; repealing Minnesota Statutes 1976, Section 202A.72.

Referred to the Committee on Elections.

Messrs. Stumpf, Humphrey, Spear, Benedict and Bernhagen introduced—

S. F. No. 235: A bill for an act relating to taxation; providing for a deduction from gross income of the cost of home insulation; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws. Mr. Anderson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Ashbach and Frederick introduced—

S. F. No. 236: A bill for an act relating to commerce; increasing the usury rate on certain transactions; amending Minnesota Statutes 1976, Section 334.01, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Stokowski, Gearty, Kleinbaum, Sillers and Dieterich introduced—

S. F. No. 237: A bill for an act relating to state aids; providing for payment to cities of revenue lost because of certain tax exempt real property; appropriating funds.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knoll, Lewis, Vega, Gearty and Kirchner introduced—

S. F. No. 238: A bill for an act relating to transportation construction contracts; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

Referred to the Committee on Transportation. Mr. Lewis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Stokowski introduced—

S. F. No. 239: A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Pillsbury; Ueland, A. and Ashbach introduced—

S. F. No. 240: A bill for an act relating to elections; providing that vacancies in the United States senate be filled by special election; amending Minnesota Statutes 1976, Section 202A.61; repealing Minnesota Statutes 1976, Section 202A.72.

Referred to the Committee on Elections.

Messrs. Spear, Solon, Stumpf, Davies and Sieloff introduced—

S. F. No. 241: A bill for an act relating to real estate brokers and salespersons; establishing a prelicense educational requirement and a continuing educational requirement; amending Minnesota Statutes 1976, Section 82.22, Subdivision 6, and by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Humphrey, Merriam, Anderson, Sillers and Dieterich introduced—

S. F. No. 242: A bill for an act relating to education; teachers; providing in-service training for regular classroom teachers in techniques of education for the handicapped; appropriating money; amending Minnesota Statutes 1976, Section 123.581, Subdivisions 1, 2, 3, 6 and 7.

Referred to the Committee on Education.

Messrs. Humphrey, Luther and Ogdahl introduced—

S. F. No. 243: A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; amend-

ing Minnesota Statutes 1976, Section 70A.02, Subdivision 2; repealing Minnesota Statutes 1976, Section 70A.03, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Knoll, Gearty, Ogdahl and Stokowski introduced—

S. F. No. 244: A bill for an act relating to recreational activities; creating the metropolitan sports facilities commission and prescribing its powers and duties; requiring the television broadcast within the metropolitan area of certain games; authorizing the metropolitan council to issue revenue bonds; providing for the construction and operation of a sports facility; authorizing a tax on certain sales of intoxicating liquor and fermented malt beverages in the metropolitan area; providing for admissions tax at certain facilities; requiring the completion of an environmental impact statement prior to construction of a sports facility; providing for a tax levy; amending Minnesota Statutes 1976, Chapter 473, by adding sections; repealing Minnesota Statutes 1976, Section 340.11, Subdivision 11a.

Referred to the Committee on Governmental Operations.

Messrs. Knoll; Ogdahl; Keefe, S.; Dieterich and Schaaf introduced—

S. F. No. 245: A bill for an act relating to taxation; providing a tax credit for political contributions for a candidate for any public office; amending Minnesota Statutes 1976, Section 290.06, Subdivision 11.

Referred to the Committee on Elections. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Stokowski, Ogdahl and Spear introduced—

S. F. No. 246: A bill for an act relating to the city of Minneapolis and Hennepin county; providing for representation for the Minneapolis city council on the municipal building commission; amending Laws 1903, Chapter 247, Section 1.

Referred to the Committee on Local Government.

Messrs. Schrom and Jensen introduced—

S. F. No. 247: A bill for an act relating to regional development; providing for withdrawal of a county or municipality from a regional development commission; providing for dissolution of a commission; amending Minnesota Statutes 1976, Section 462.387, by adding subdivisions.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Chenoweth questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Nichols and Lessard introduced—

S. F. No. 248: A bill for an act relating to wild animals; removing certain restrictions on return of carp to waters from which they are caught; amending Minnesota Statutes 1976, Section 101.42, Subdivision 10.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Moe, Tennessen, Bang and Coleman introduced—

S. F. No. 249: A bill for an act relating to intoxicating liquor; regulation and taxation of liquor sold in commemorative bottles; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 15; 340.44; and 340.50.

Referred to the Committee on Commerce.

Messrs. Kirchner, Perpich, Lewis, Knutson and Renneke introduced—

S. F. No. 250: A bill for an act relating to the Gillette hospital board; board membership; amending Minnesota Statutes 1976, Section 250.05, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Moe, Hanson, Olhoff, Peterson and Dunn introduced—

S. F. No. 251: A bill for an act relating to agriculture; family farm security program; providing that certain interest earned by the seller on a family farm security loan shall be excludable from gross income; amending Minnesota Statutes 1976, Sections 41.58, by adding a subdivision; and 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Davies, Gearty and Dunn introduced—

S. F. No. 252: A bill for an act relating to special acts passed in accordance with the Constitution, Article XII, Section 2; requiring local approval in certain cases; amending Minnesota Statutes 1976, Sections 645.021 and 645.023, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Davies, Knoll, Mrs. Staples and Mr. Knutson introduced—

S. F. No. 253: A bill for an act relating to public health; providing a definition of death.

Referred to the Committee on Judiciary.

Messrs. Davies, Hanson, Nelson, Knutson and Sikorski introduced—

S. F. No. 254: A bill for an act relating to trusts; county court jurisdiction over; amending Minnesota Statutes 1976, Sections 501.11; 501.12, Subdivision 3; 501.17; 501.211, Subdivision 4; 501.22, Subdivisions 2, 4, and 5; 501.23; 501.24; 501.25; 501.27; 501.33; 501.34; 501.35; 501.38; 501.42; 501.44; and Chapter 501, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Moe, Olhoff, Renneke, Hanson and Strand introduced—

S. F. No. 255: A bill for an act relating to public drainage systems; repairs; assessment; providing for a redetermination of benefits and benefited areas under a repair proceeding; amending Minnesota Statutes 1976, Section 106.471, Subdivisions 2 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson introduced—

S. F. No. 256: A bill for an act relating to education; limiting scholarship aid for foreign students; amending Minnesota Statutes 1976, Chapter 136A, by adding a section.

Referred to the Committee on Education.

Messrs. Schrom, Willet, Johnson, Dunn and Chmielewski introduced—

S. F. No. 257: A bill for an act relating to snowmobiles; providing for operation on certain highways; amending Minnesota Statutes 1976, Section 84.87, Subdivision 3.

Referred to the Committee on Local Government. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Johnson, Vega, Gunderson, Solon and Chmielewski introduced—

S. F. No. 258: A bill for an act relating to taxation; exempting home heating fuel from the sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws. Mr. Anderson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mrs. Staples, Messrs. Lessard, Hanson, Purfeerst and Ulland, J. introduced—

S. F. No. 259: A bill for an act relating to game and fish; license exemptions; providing that persons who have attained the age of 65 years may take small game without a license; amending Minnesota Statutes 1976, Section 98.47, Subdivision 1; repealing Minnesota Statutes 1976, Section 98.45, Subdivision 8.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Borden introduced—

S. F. No. 260: A bill for an act relating to taxation; providing for an optional one time special levy for local law enforcement expenses; amending Minnesota Statutes 1976, Section 275.52, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Dunn, Anderson and Wegener introduced—

S. F. No. 261: A bill for an act relating to taxation of certain agricultural, recreational, and conservation lands; providing for deferred development contracts; amending Minnesota Statutes 1976, Sections 116A.17, Subdivision 2; 273.111, Subdivisions 1, 2, 4, 8, 9, 11, and 14; repealing Minnesota Statutes 1976, Section 273.111, Subdivisions 3, 6, and 8a.

Referred to the Committee on Agriculture and Natural Resources. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Laufenburger, Gunderson and Engler introduced—

S. F. No. 262: A bill for an act relating to taxation; providing for optional payments in lieu of taxes to counties containing state forest lands; appropriating funds; amending Minnesota Statutes 1976, Section 89.036, and Chapter 89, by adding sections.

Referred to the Committee on Agriculture and Natural Resources. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Gunderson and Laufenburger introduced—

S. F. No. 263: A bill for an act relating to natural resources; restricting acquisition of agricultural land for inclusion in the Richard J. Dorer Memorial Hardwood Forest.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ueland, A.; Engler; Stokowski; Schmitz and Gearty introduced—

S. F. No. 264: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing staggered four year terms for the state senate.

Referred to the Committee on Governmental Operations.

Messrs. Schrom, Chmielewski, Wegener, Renneke and Schmitz introduced—

S. F. No. 265: A bill for an act relating to highways; providing that towns be reimbursed for repairing and restoring town roads damaged while utilized as a haul road in transporting road building materials used in the construction, reconstruction or maintenance of public highways or city streets.

Referred to the Committee on Local Government. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Keefe, S.; Schaaf; Coleman; Pillsbury and Gearty introduced—

S. F. No. 266: A bill for an act relating to elections; providing for training of all election officials; prescribing certain duties for the secretary of state; appropriating money.

Referred to the Committee on Elections.

Messrs. Olson, Olhoff, Chmielewski, Frederick and Menning introduced—

S. F. No. 267: A bill for an act relating to taxation; defining "common carrier" for certain purposes in connection with the sales and use tax; amending Minnesota Statutes 1976, Section 297A.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Humphrey and Sikorski introduced—

S. F. No. 268: A bill for an act relating to commerce; prohibiting door to door solicitors from representing themselves as survey or opinion takers; prescribing penalties; amending Minnesota Statutes 1976, Section 325.79, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Knutson and Schmitz introduced—

S. F. No. 269: A bill for an act relating to metropolitan development; revenue raising and distribution in the seven county metropolitan area; repealing Minnesota Statutes 1976, Sections 473F.01;

473F.02; 473F.03; 473F.04; 473F.05; 473F.06; 473F.07; 473F.08; 473F.09; 473F.10; 473F.11; 473F.12; and 473F.13.

Referred to the Committee on Governmental Operations.

Messrs. Laufenburger, Purfeerst, Frederick, Schaaf and Engler introduced—

S. F. No. 270: A bill for an act relating to motor vehicles; increasing the registration tax on certain vehicles; prescribing weight limitations on certain vehicles; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1e and 12; 169.79; 169.83, Subdivisions 1, 2 and 3; 169.85; and 169.86, by adding a subdivision.

Referred to the Committee on Transportation.

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. Chenoweth from the Committee on Governmental Operations, to which were referred the following appointments as reported in the Journal for January 6, 1977:

STATE EMPLOYEES SUGGESTION BOARD

Francis "Barney" Hage

Linda Ady

STATE BOARD OF HUMAN RIGHTS

Jacqui Thompson

Joseph Bester

Arloa Molstad

STATE PERSONNEL BOARD

Barbara Hofstede

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

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

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

S. F. No. 20: A bill for an act relating to highways; reimbursement of fire fighting and protection expenses in certain instances; appropriating funds.

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

Page 1, line 7, before "Expenses" insert "Ordinary"

Page 1, line 11, strike "at the request" and insert "upon approval"

Page 1, line 11, after "of" and before "an" insert "a police officer or"

Page 1, line 16, strike "Funds"

Page 1, strike line 17

Page 1, line 18, strike "this purpose."

Page 1, line 20, strike "funds" and insert "moneys"

Amend the title as follows:

Line 2, after "highways;" insert "requiring"

Line 4, strike " ; appropriating funds"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 43: A bill for an act relating to highway traffic regulations; parking privileges for the physically handicapped; amending Minnesota Statutes 1976, Section 169.345, Subdivisions 2 and 3.

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

Page 2, after line 12, add a section to read:

"Sec. 3. *This act is effective the day following its final enactment.*"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 21: A bill for an act relating to health; authorizing the licensing of physicians from Canada without an examination; amending Minnesota Statutes 1976, Section 147.03.

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

Page 2, after line 12, add a section to read:

"Sec. 2. *This act is effective the day following its final enactment.*"

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

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

S. F. No. 51: A bill for an act relating to elections; providing

for the number and duties of election officers; counts and recounts; school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivisions 3 and 5; 204A.36; 204A.39, Subdivision 2; 204A.41, Subdivision 2; 204A.51, Subdivisions 2 and 3; 204A.53, Subdivisions 2 and 3; 206.075; 206.19, Subdivision 1; 206.23; 207.11; and 207.19, Subdivision 1.

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

Pages 1 and 2, strike all of section 1

Pages 2 and 3, strike all of section 3 and insert

“Sec. 3. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.365] [PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.] *Subdivision 1. [SCHOOL DISTRICTS, COUNTIES AND MUNICIPALITIES.] No school board, county board of commissioners, or governing board or council of a municipality may conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day of an election.*

Subd. 2. [STATE UNIVERSITIES AND COMMUNITY COLLEGES.] Except for regularly scheduled classes, no state university may schedule an event between 6:00 p.m. and 8:00 p.m. on the day of an election, without permission from the state university board. Except for regularly scheduled classes, no state community college may schedule an event between 6:00 p.m. and 8:00 p.m. on the day of an election, without permission from the state board for community colleges.

Subd. 3. [PUBLIC ELEMENTARY AND SECONDARY SCHOOLS.] Except for regularly scheduled classes, no public elementary or secondary school may hold a school sponsored event between 6:00 p.m. and 8:00 p.m. on the day of an election.”

Pages 3 and 4, strike all of section 5 and insert:

“Sec. 5. Minnesota Statutes 1976, Section 204A.41, is amended to read:

204A.41 [BALLOTS, PROPER NUMBER.] *Subdivision 1. [COUNTING.] The judges shall determine the number of ballots distributed by adding the number of return envelopes of accepted absentee ballots to the number of signed voter's certificates, or by counting the number of names on the election register.*

The judges shall *then* remove all the ballots from the box, and without considering how the ballots are marked they shall ascertain that each ballot is single, and count them to determine whether the number of ballots corresponds with the number ~~that the election register or registration file shows were cast of~~ *ballots distributed.*

Subd. 2. [BALLOTS, EXCESS NUMBER.] If two or more ballots are found so folded together as to appear like a single ballot, the judges shall lay them aside until all of the ballots in

the box have been counted; and if it is evident from the number ~~that the election register or registration file shows were cast of ballots distributed~~ that the ballots folded together were cast by one voter, the judges shall preserve but not count them. If there is an excess of ballots in one box, the judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the judges, and if any are not so marked, they shall preserve but not count them. If there is still an excess of properly marked ballots, the judges shall replace them in the box, and one judge, without looking, shall withdraw from the box a number of ballots equal to the excessive number, and the withdrawn ballots shall be preserved but not counted.

Subd. 3. [BALLOTS IN WRONG BOX.] If the judges find ballots in a ballot box that are different from the kind properly belonging therein, they shall lay the different ballots aside. If the number of ballots in any box equals or exceeds the number ~~that the election register or registration file shows were cast of ballots distributed~~, then ballots proper to have been placed therein, but found in another box, may not be counted. But if the number is less than ~~that shown by the election registers or registration file the number of ballots distributed~~, and ballots properly belonging in that box are found in another box, they shall be counted the same as those in the proper box, but only to the extent of the deficiency and selected by lot when necessary.

Subd. 4. [BALLOTS NOT COUNTED, DISPOSITION.] When the number of ballots as finally counted agrees with the number ~~that the election register or registration file shows were cast of ballots distributed~~, those ballots not counted shall be attached to a certificate made by the judges, stating why the ballots were not counted, and the certificate and uncounted ballots shall be sealed in a separate envelope and returned with the other returns to the officer from whom they were received."

Page 5, line 20, strike "100" and insert "200"

Page 5, line 23, strike "50" and insert "100"

Page 5, line 24, after "nominations," insert "*the county auditor shall so notify the candidate by certified mail addressed to the candidate at his filing address. If a candidate requests a recount within five days after receipt of this notice,*"

Page 5, line 25, after "votes" insert "*at no cost to the candidate*"

Page 7, line 2, strike "100" and insert "200"

Page 7, line 5, strike "50" and insert "100"

Page 7, line 5, after "less" insert "*the county auditor shall so notify the candidate by certified mail addressed to the candidate at his filing address. If a candidate requests a recount within five days after receipt of this notice,*"

Page 7, line 6, after "votes" insert "*at no cost to the candidate*"

Page 7, line 32, strike "100" and insert "200"

Page 8, line 3, strike "50" and insert "100"

Page 8, line 4, after "nominations," insert "*the secretary of state shall so notify the candidate by certified mail addressed to the candidate at his filing address. If a candidate requests a recount within five days after receipt of this notice,*"

Page 8, line 5, after "votes" insert "*at no cost to the candidate*"

Page 8, line 32, strike "100" and insert "200"

Page 9, line 3, strike "50" and insert "100"

Page 9, line 3, after "*less*" insert "*the secretary of state shall so notify the candidate by certified mail addressed to the candidate at his filing address. If a candidate requests a recount within five days after receipt of this notice,*"

Page 9, line 4, after "votes" insert "*at no cost to the candidate*"

Page 9, after line 12, insert

"Sec. 10. Minnesota Statutes 1976, Section 206.03, is amended to read:

206.03 [MAY USE EXPERIMENTAL MACHINES.] The governing body of any municipality may provide for the experimental use of voting machines in one or more precincts without formal adoption thereof; and the use of voting machines at such election shall be as valid for all purposes as if the machines had been permanently adopted.

When the governing body of any municipality shall determine to use such machines, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions, not inconsistent with the provisions of this chapter, for using the same, submit the same to the ~~attorney general~~ *secretary of state* for his approval, and, when approved by him a printed copy of such rules and instructions shall be posted in a prominent place in the polling place and remain open to inspection by the voters throughout the election days."

Page 12, line 18, strike "*return*" and insert "*ballot*"

Page 12, line 25, strike everything after "If"

Page 12, line 26, strike "the reason that"

Page 12, line 26, after "voter" insert "*who*"

Page 12, line 26, strike "failed" and insert "*mailed the ballots fails*"

Page 12, line 27, strike "herein set forth" and insert "*of this section*"

Page 13, line 3, strike "as herein provided"

Page 13, line 8, strike "as"

Page 13, line 9, strike "aforesaid"

Page 15, after line 13, insert:

“Sec. 15. [EFFECTIVE DATE.] *This act shall become effective on the day following final enactment.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, strike “providing for the number and duties of”

Page 1, line 4, after “recounts;” insert “prohibiting certain public meetings and”

Page 1, line 7, strike “Subdivisions 3”

Page 1, line 8, strike “and” and insert “Subdivision”

Page 1, line 8, strike “204A.36;”

Page 1, line 8, after “204A.41,” strike the comma

Page 1, line 9, strike “Subdivision 2”

Page 1, line 10, after “3;” insert “Chapter 204A, by adding a section; 206.03;”

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 107: A bill for an act relating to children; enacting the uniform child custody jurisdiction act.

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

Page 1, line 7, after “of” insert “sections 1 to 25 of”

Page 1, line 8, strike “to”

Page 1, line 9, after “(a)” insert “To”

Page 1, line 10, strike “which” and insert “and to”

Page 1, strike lines 11 and 12

Page 1, line 13, strike “(b)”

Page 1, line 14, strike “to the end” and insert “so”

Page 1, line 14, strike the second “that” and insert “the”

Page 1, line 15, after the second “the” insert “best”

Page 1, strike lines 16 to 21

Page 2, strike lines 1 to 6

Page 2, line 7, strike “(e)” and insert “(b) To”

Page 2, line 9, strike “(f)” and insert “(c) To”

Page 2, line 10, strike the semicolon and insert “ , and to ”

Page 2, line 11, strike “ (g) ”

Page 2, line 13, strike “ (h) ” and insert “ (d) To ”

Page 2, line 17, strike “ (i) ” and insert “ (e) To ”

Page 2, line 19, after “2.” insert “*Sections 1 to 25 of*”

Page 2, line 21, after “in” insert “*sections 1 to 25 of*”

Page 2, lines 22, 25, and 30, capitalize the first word in each line

Page 2, line 24, strike the semicolon and insert a period

Page 2, line 27, strike “ ; it” and insert “ , but ”

Page 2, line 29, strike the semicolon and insert a period

Page 2, line 32, after “ for ” insert “ *dissolution,* ”

Page 2, line 32, strike “ a ”

Page 3, line 1, strike the semicolon and insert a period

Page 3, lines 2, 6, 14, 16, 19, 21, and 25, capitalize the first word in each line

Page 3, line 5, strike the semicolon and insert a period

Page 3, line 11, strike “mentioned” and insert “*listed*”

Page 3, line 13, strike the semicolon and insert a period

Page 3, line 15, strike the semicolon and insert a period

Page 3, line 18, strike the semicolon and insert a period

Page 3, line 20, strike the semicolon and insert a period

Page 3, line 24, strike “ ; and” and insert a period

Page 4, line 19, strike “other” and insert “*court in another*”

Page 4, line 21, after the second “or” insert “*a court of*”

Page 4, line 22, after “that” insert “*a court of*”

Page 4, line 24, after “that” insert “*a court of*”

Page 4, line 25, strike “court” and insert “*state*”

Page 5, line 3, after “under” insert “*sections 1 to 25 of*”

Page 5, line 23, after “court” insert a comma

Page 5, line 26, strike “ten” and insert “20”

Page 6, line 7, after “under” insert “*sections 1 to 25 of*”

Page 6, line 10, after “with” insert “*the provisions of sections 1 to 25 of*”

Page 6, line 27, after “jurisdiction” insert a comma

Page 6, line 29, strike “the end” and insert “*ensure*”

Page 7, line 1, after “state” insert a comma

Page 7, line 4, after "jurisdiction" insert a comma

Page 7, line 5, strike "the end" and insert "ensure"

Page 7, line 8, after "under" insert "sections 1 to 25 of"

Page 7, line 20, strike "may take into account" and insert "*shall consider all relevant factors, including but not limited to*"

Page 7, line 20, strike "factors," and insert a colon

Page 7, strike line 21

Page 8, line 4, after "jurisdiction" insert a comma

Page 8, line 20, after "under" insert "sections 1 to 25 of"

Page 8, line 21, after "for" insert "dissolution,"

Page 8, line 21, after "proceeding" insert a comma

Page 8, line 22, after "the" insert "dissolution,"

Page 8, line 25, after "forum" insert a comma

Page 9, line 3, strike "certainly known" and insert "*yet determined*"

Page 10, line 2, before "Every" insert "*Unless he believes in good faith that there is no question of jurisdiction under sections 1 to 25 of this act,*"

Page 10, line 10, after "participated" strike the parenthesis

Page 10, line 11, strike the parenthesis

Page 10, after line 19 insert:

"The court may require any party in a custody proceeding to furnish under oath the information specified in this subdivision."

Page 12, line 8, after "of" insert "sections 1 to 25 of"

Page 12, line 13, after "with" insert "sections 1 to 25 of"

Page 12, line 17, after "of" insert "sections 1 to 25 of"

Page 12, line 24, after "with" insert "sections 1 to 25 of"

Page 12, line 29, after "state" insert a comma

Page 15, line 7, after "made" insert "*under other procedures available in this state*"

Page 15, line 29, strike "such" and insert "those"

Page 16, line 4, after "other" insert "pertinent"

Page 16, line 4, strike "mentioned in section 21" and insert "*which have been preserved by the court of the other state*"

Page 16, line 6, after "of" insert "sections 1 to 25 of"

Page 16, line 6, after "to" strike "the"

Page 16, line 6, strike "area" and insert "proceedings"

Page 16, line 7, after "of" insert "*sections 1 to 25 of*"

Page 16, line 16, after "under" insert "*sections 1 to 25 of*"

Page 16, line 18, before "This" insert "*Sections 1 to 25 of*"

Page 16, after line 19 insert:

"Sec. 26. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.155] [CUSTODY DETERMINATIONS.] *Notwithstanding any law to the contrary, a court in which a proceeding for dissolution has been or may be commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.16, 518.165, 518.17, 518.175 or 518.18, which affects the custody of a minor child or the visitation rights of a noncustodial parent unless the court has jurisdiction over the matter pursuant to the provisions of sections 1 to 25 of this act.*

Sec. 27. *This act shall be effective the day following final enactment."*

Underline all of the new language in the bill.

Amend the title as follows:

Page 1, line 3, before the period insert "; amending Minnesota Statutes 1976, Chapter 518, by adding a section"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 20, 43, 21, 51 and 107 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Borden moved that the name of Mrs. Staples be added as co-author to S. F. No. 98. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Stumpf be added as co-author to S. F. No. 116. The motion prevailed.

Mr. Schaaf moved that the name of Mr. Penny be added as co-author to S. F. No. 231. The motion prevailed.

Mr. Kleinbaum moved that his name be stricken as co-author to S. F. No. 84. The motion prevailed.

Mr. Davies moved that the name of Mr. Tennessen be added as co-author to S. F. No. 184. The motion prevailed.

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported February 3, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported February 3, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY EXECUTIVE DIRECTOR

Sandra Gardebring, 5224 Park Avenue, Minneapolis, Hennepin County, effective January 3, 1977, for a term expiring January 1, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Chenoweth moved that the report from the Committee on Governmental Operations, reported February 3, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Chenoweth moved that in accordance with the report from the Committee on Governmental Operations, reported February 3, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN COUNCIL

Betty Kane, 701 Parkview Terrace, Golden Valley, Hennepin County, effective May 19, 1976, for a term expiring January 1, 1979; and effective January 12, 1977, for a term expiring January 5, 1981.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Chenoweth moved that the report from the Committee on Governmental Operations, reported February 3, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Chenoweth moved that in accordance with the report from the Committee on Governmental Operations, reported February

3, 1977, the Senate, having given its advice, do now consent to and confirm the appointments of:

METROPOLITAN COUNCIL

Alton J. Gasper, 5406 Hampshire Drive, Minneapolis, Hennepin County, effective January 12, 1977, for a term expiring January 5, 1981.

Opal Petersen, 14648 North Upper 55th, Stillwater, Washington County, effective January 14, 1977, for a term expiring January 5, 1981.

Jim Daly, 119 South Grove, Belle Plaine, Scott County, effective January 14, 1977, for a term expiring January 5, 1981.

Todd Jeffery Lefko, 1528 Grantham, St. Paul, Ramsey County, effective January 14, 1977, for a term expiring January 5, 1981.

Stanley B. Kegler, 655 East Belmont Lane, Maplewood, Ramsey County, effective January 14, 1977, for a term expiring January 5, 1981.

Charles Weaver, 830 River Lane, Anoka, Anoka County, effective January 25, 1977, for a term expiring January 5, 1981.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman introduced Senate Concurrent Resolution No. 5: A Senate concurrent resolution relating to adjournment.

BE IT RESOLVED, by the Senate, the House of Representatives concurring, that when either the Senate or the House of Representatives adjourns on February 10, 1977, it may adjourn to any date not later than February 15, 1977.

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

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, February 10, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTEENTH DAY

St. Paul, Minnesota, Thursday, February 10, 1977

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

CALL OF THE SENATE

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

Anderson	Engler	Lewis	Peterson	Strand
Ashbach	Frederick	Luther	Pillsbury	Stumpf
Bang	Gearty	McCutcheon	Purfeerst	Ueland, A.
Benedict	Gunderson	Menning	Schmitz	Vega
Bernhagen	Hughes	Merriam	Schrom	Wegener
Borden	Humphrey	Moe	Sieloff	Willet
Brataas	Johnson	Ogdahl	Sikorski	
Chmielewski	Kirchner	Olhoft	Solon	
Dieterich	Knutson	Penny	Spear	
Dunn	Laufenburger	Perpich	Stokowski	

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

Prayer was offered by the Chaplain, Rev. Vernon D. Gunderman.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Jensen, Knoll, Milton and Tennessen were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Kirchner; Schmitz; Ueland, A.; Benedict and Vega introduced—

S. F. No. 271: A bill for an act relating to highway traffic regulations; motorcycle equipment for operators and passengers; amending Minnesota Statutes 1976, Section 169.974, Subdivision 4.

Referred to the Committee on Transportation.

Messrs. Chmielewski, Hanson, Wegener, Willet and Johnson introduced—

S. F. No. 272: A bill for an act relating to the environmental quality board; prescribing certain residency and age requirements for petitions requesting environmental impact statements; amending Minnesota Statutes 1976, Section 116D.04, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Schrom and Bernhagen introduced—

S. F. No. 273: A bill for an act relating to taxation; providing for distribution of proceeds of taxation of electric transmission and certain distribution lines; amending Minnesota Statutes 1976, Sections 124.212, Subdivision 2; and 273.42.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Perpich introduced—

S. F. No. 274: A bill for an act relating to McCarthy Beach state park; adding certain lands to the park; amending Laws 1945, Chapter 484, Section 1, as amended.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski, Olson, Wegener and Schmitz introduced—

S. F. No. 275: A bill for an act relating to municipalities; procedures required for the letting of certain contracts; amending Minnesota Statutes 1976, Section 471.345, Subdivisions 3, 4 and 5.

Referred to the Committee on Local Government.

Messrs. Schaaf, Borden, Merriam, Ogdahl and Kleinbaum introduced—

S. F. No. 276: A bill for an act relating to the taxation of railroads; amending Minnesota Statutes 1976, Chapter 270, by adding sections; repealing Minnesota Statutes 1976, Sections 295.01, Subdivisions 2 and 3; 295.02; 295.03; 295.04; 295.05; 295.12; 295.13; and 295.14.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf; Dieterich; Keefe, S. and Solon introduced—

S. F. No. 277: A bill for an act relating to shade tree disease control; providing for reimbursement by the state to municipalities for expenses incurred in removing and treating shade tree diseases; amending Minnesota Statutes 1976, Section 18.023, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf; Dieterich; Keefe, S. and Solon introduced—

S. F. No. 278: A bill for an act relating to taxation; providing for a credit against income tax for the cost of removal and treatment of diseased shade trees; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf; Dieterich; Keefe, S.; Solon and McCutcheon introduced—

S. F. No. 279: A bill for an act relating to shade tree disease control; providing for the payment to municipalities by the state of matching funds for shade tree disease control programs and reforestation of lands; appropriating money; amending Minnesota Statutes 1976, Section 18.023, Subdivisions 1, 1a and 3a.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S. F. No. 280: A bill for an act relating to wild animals; authorizing an open season for the taking and possession of mourning doves; amending Minnesota Statutes 1976, Sections 100.27, Subdivision 6, and 100.28, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Keefe, S.; Milton; Solon; Renneke and Spear introduced—

S. F. No. 281: A bill for an act relating to public welfare; in-

creasing the personal allowance for persons in skilled nursing homes; amending Minnesota Statutes 1976, Section 256B.35, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Vega, Purfeerst, Laufenburger, Pillsbury and Hughes introduced—

S. F. No. 282: A bill for an act relating to highways; removing the construction moratorium on certain interstate routes; extending an interstate route through the city of St. Paul and directing the commissioner of transportation to expedite settlement of litigation and commence construction of one segment of that route; removing certain routes from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.12; and 161.123; repealing Minnesota Statutes 1976, Section 161.117.

Referred to the Committee on Transportation.

Messrs. Kleinbaum, Solon, Mrs. Brataas and Mr. Laufenburger introduced—

S. F. No. 283: A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; detached banking facility notice and approval procedures; amending Minnesota Statutes 1976, Sections 47.51; 47.52; 47.53; 47.55; and Chapter 47, by adding a section; repealing Minnesota Statutes 1976, Section 47.54.

Referred to the Committee on Commerce.

Messrs. Lewis, Hughes, Anderson and Keefe, J. introduced—

S. F. No. 284: A bill for an act relating to education; school districts; joint powers; authorizing joint boards to acquire certain property for data processing; amending Minnesota Statutes 1976, Section 123.73.

Referred to the Committee on Education.

Mr. Johnson introduced—

S. F. No. 285: A bill for an act relating to taxation; providing for graduated valuation of newly constructed homestead property; amending Minnesota Statutes 1976, Section 273.11, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S. F. No. 286: A bill for an act relating to taxation; providing for a credit against income tax for expenditures for the care of dependents; amending Minnesota Statutes 1976, Chapter 290, by

adding a section; repealing Minnesota Statutes 1976, Section 290.09, Subdivision 26.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kleinbaum, Chmielewski and Sillers introduced—

S. F. No. 287: A bill for an act relating to taxation; providing a tax credit for persons paying residential heating charges; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Mr. Nichols introduced—

S. F. No. 288: A bill for an act relating to state parks; providing for cooperative agricultural leases of property acquired by the state within state parks; amending Minnesota Statutes 1976, Section 272.68, Subdivision 3; and Chapter 85, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S. F. No. 289: A bill for an act relating to public utilities; customers service option on electric service in certain instances; amending Minnesota Statutes 1976, Section 216B.40; and Chapter 216B, by adding a section.

Referred to the Committee on Commerce.

Messrs. Merriam and Davies introduced—

S. F. No. 290: A bill for an act relating to banks; amending the charter application appeals provisions; amending Minnesota Statutes 1976, Section 45.07.

Referred to the Committee on Commerce.

Mr. Merriam introduced—

S. F. No. 291: A bill for an act relating to labor; prohibiting certain employer practices; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

Referred to the Committee on Employment.

Mr. Merriam introduced—

S. F. No. 292: A bill for an act relating to taxation; altering standard for determining eligibility for income tax credit given deaf persons; amending Minnesota Statutes 1976, Section 290.06, Subdivision 3c.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kleinbaum, Dunn and Wegener introduced—

S. F. No. 293: A bill for an act relating to commerce; providing for the opening of checking accounts; imposing a duty on financial institutions; providing remedies for worthless checks; providing penalties; amending Minnesota Statutes 1976, Section 609.535, Subdivisions 1, 2 and 3, and by adding subdivisions; and Chapter 549, by adding a section.

Referred to the Committee on Commerce.

Mr. McCutcheon introduced—

S. F. No. 294: A bill for an act relating to taxation; providing for a deduction from gross income for burglar proofing the taxpayer's residence; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Gearty, Perpich, Kleinbaum and Frederick introduced—

S. F. No. 295: A bill for an act relating to taxation; exempting newsprint and ink from the sales tax; amending Minnesota Statutes 1976, Section 297A.14 and 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Milton, Perpich, Tennessen, Kirchner and Solon introduced—

S. F. No. 296: A bill for an act relating to medical assistance for needy persons; providing for limits on types, costs and frequency of medical services; amending Minnesota Statutes 1976, Section 256B.04, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Milton; Vega; Nelson; Keefe, S. and Spear introduced—

S. F. No. 297: A bill for an act relating to labor; providing for the elimination of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, by adding a subdivision; 177.24; repealing Minnesota Statutes 1976, Section 177.28, Subdivision 4.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S. F. No. 298: A bill for an act relating to health care; catastrophic health expense protection; redefining qualified expense to

include blood used to treat hemophiliacs; amending Minnesota Statutes 1976, Section 62E.52, Subdivision 3.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam, Johnson, Dieterich, Anderson and Lessard introduced—

S. F. No. 299: A bill for an act relating to game and fish; prohibiting the use of certain devices in fishing; amending Minnesota Statutes 1976, Section 101.42, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Anderson, Merriam, Solon, Sikorski and Schrom introduced—

S. F. No. 300: A bill for an act relating to taxation; providing open space property tax treatment of property used as archery and firearms ranges; amending Minnesota Statutes 1976, Section 273.112, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Nichols and Davies introduced—

S. F. No. 301: A bill for an act relating to education; school districts; authorizing certain districts to enter into agreements for the joint exercise of powers upon approval of the commissioner of education; amending Minnesota Statutes 1976, Chapter 122, by adding a section.

Referred to the Committee on Education.

Messrs. Lessard, Hanson, Benedict, Merriam and Knutson introduced—

S. F. No. 302: A bill for an act relating to wild animals; modifying certain restrictions on the taking of fish; amending Minnesota Statutes 1976, Section 101.42, Subdivision 11.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon, Johnson, Spear, Borden and Milton introduced—

S. F. No. 303: A bill for an act relating to commerce; requiring individually marked prices on certain retail food packaging.

Referred to the Committee on Commerce.

Messrs. Merriam, Penny and Pillsbury introduced—

S. F. No. 304: A bill for an act relating to elections; providing

that vacancies in the United States senate be filled by special election; amending Minnesota Statutes 1976, Section 202A.61; repealing Minnesota Statutes 1976, Section 202A.72.

Referred to the Committee on Elections.

Messrs. Keefe, S.; Ogdahl; Stokowski; Chenoweth and Sieloff introduced—

S. F. No. 305: A bill for an act relating to intoxicating liquor; expiration date of municipal licenses; repealing Minnesota Statutes 1976, Section 340.11, Subdivision 16.

Referred to the Committee on Commerce.

Messrs. Dunn, Engler, Pillsbury, Bernhagen and Ueland, A. introduced—

S. F. No. 306: A bill for an act relating to taxation; exempting sales of fuel and electricity used for residential heating from the sales tax; amending Minnesota Statutes 1976, Sections 297A.01, Subdivision 3; and 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Merriam, Davies, Sikorski and Dieterich introduced—

S. F. No. 307: A bill for an act relating to highway traffic regulations; procedures for revocation of driver's license when certain tests disclose a blood alcohol content of .10 percent or more by weight of alcohol; providing that hearings be held as early as practicable; amending Minnesota Statutes 1976, Section 169.127, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Johnson, Ashbach, Solon, Purfeerst and Olson introduced—

S. F. No. 308: A bill for an act relating to commerce; concerning products liability; providing a statute of limitations; allowing installment payments of judgments; providing certain defenses.

Referred to the Committee on Judiciary.

Messrs. Johnson, Chmielewski, Schrom, Wegener and Willet introduced—

S. F. No. 309: A bill for an act relating to traffic regulations; authorizing town boards to determine speed limits on town roads; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

Referred to the Committee on Local Government.

Messrs. Luther, Merriam, Olhoft, Strand and Borden introduced—

S. F. No. 310: A bill for an act relating to commerce; prohibiting certain containers for carbonated beverages; providing a penalty.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Gearty, Coleman, Sillers, Kleinbaum and Dunn introduced—

S. F. No. 311: A bill for an act relating to courts; providing for the organization, compensation, personnel, terms and procedures of the several courts; appropriating money; amending Minnesota Statutes 1976, Sections 2.722; 2.724; 15A.083; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.54; 485.01; 487.01, Subdivisions 3, 5, and 6; 487.03, Subdivision 1; 488A.01, Subdivision 10; 488A.12, Subdivision 5; 525.04; and 525.081, Subdivision 7; and Chapter 480, by adding a section; repealing Minnesota Statutes 1976, Sections 15A.083, Subdivision 2; 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.34; 487.03, Subdivision 4; 487.05; 488A.021, Subdivisions 7 and 8; 488A.19, Subdivisions 8, 9, and 10; and 525.081, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 9; Chapters 488, 530, 531, 532 and 633; and Extra Session Laws 1971, Chapter 42.

Referred to the Committee on Judiciary.

Messrs. Sillers, Hanson and Peterson introduced—

S. F. No. 312: A bill for an act relating to the historical society; establishing an interpretive center in the city of Moorhead.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Humphrey, Schaaf and Mrs. Staples introduced—

S. F. No. 313: A bill for an act relating to public welfare; specifying services to handicapped persons; defining terms; amending Minnesota Statutes 1976, Sections 256.01, Subdivision 2; and 645.44, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Borden, Schrom, Willet, Wegener and Lessard introduced—

S. F. No. 314: A bill for an act relating to game and fish; migratory waterfowl hunting hours; amending Minnesota Statutes 1976, Section 100.27, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther, Menning, Johnson, Stumpf and Sieloff introduced—

S. F. No. 315: A bill for an act relating to taxation; exempting residential heating products from the sales and use tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Davies; Gearty; Keefe, S.; Ogdahl and Tennessen introduced—

S. F. No. 316: A bill for an act relating to special school district No. 1 of the city of Minneapolis; providing for the election of certain members of the school board according to subdistricts; amending Laws 1959, Chapter 462, Section 3, Subdivision 1, as amended, and by adding a subdivision.

Referred to the Committee on Education. Mr. Hughes questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Benedict; Peterson; Keefe, S.; Mrs. Staples and Mr. Olhoft introduced—

S. F. No. 317: A bill for an act relating to taxation; imposing a tax on liquor sold for resale; providing for distribution of proceeds to alcohol rehabilitation programs; providing penalties; appropriating funds; amending Minnesota Statutes 1976, Chapter 297A, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. McCutcheon, Sikorski, Lewis, Coleman and Kirchner introduced—

S. F. No. 318: A bill for an act relating to crimes; specifying the crime of inflicting bodily harm on a spouse; authorizing a "crisis team" consisting of a male and female peace officer to take preventive action to deter the possibility of further spousal harm; prescribing penalties.

Referred to the Committee on Judiciary.

Messrs. Wegener; Keefe, S.; Peterson and Knutson introduced—

S. F. No. 319: A bill for an act relating to crimes; repealing the law regulating admittance to public dances and the law proscribing holding of public dances at certain hours; amending Minnesota Statutes 1976, Section 624.42, and 624.46; repealing Minnesota Statutes 1976, Sections 624.48, 624.49 and 624.51.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Luther, Humphrey, Stokowski and Wegener introduced—

S. F. No. 320: A bill for an act relating to taxation; providing for a credit against income taxes for the cost of home insulation; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Kirchner, Benedict, Milton, Renneke and Knutson introduced—

S. F. No. 321: A bill for an act relating to health; permitting certain nursing homes to require and accept certain payments from residents; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Hanson, Sillers, Moe, Borden and Humphrey introduced—

S. F. No. 322: A bill for an act relating to natural resources; watershed districts; changing bonding provisions for managers; changing and clarifying administrative provisions; establishing a survey and data acquisition fund; creating fees for applications for permits and for field inspections; requiring a permit applicant to post a bond; providing penalties and enforcement provisions; amending Minnesota Statutes 1976, Sections 112.42, Subdivision 1; 112.43, Subdivision 1; 112.48, Subdivision 4; 112.49, by adding a subdivision; 112.50, Subdivision 1; 112.55; 112.61, by adding a subdivision; 112.62, by adding a subdivision; 112.69; 112.761, Subdivision 1; 112.801, Subdivision 8; 112.85, Subdivision 1; and Chapter 112, by adding sections.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Humphrey, Mrs. Staples and Mr. Luther introduced—

S. F. No. 323: A bill for an act relating to public opinion polls; requiring persons taking polls to identify their employer and the purpose of the poll.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Nelson, Gearty, Purfeerst, Vega and Kirchner introduced—

S. F. No. 324: A bill for an act relating to drivers licenses; increasing the fee for driver's licenses, and establishing a fee for non-qualification certificates; providing for uniform application fees; amending Minnesota Statutes 1976, Section 171.06, Subdivisions 1, 2, and 4.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Sieloff, Engler and Frederick introduced—

S. F. No. 325: A bill for an act relating to taxation; providing a tax credit for persons whose Social Security benefits are reduced or required to be repaid because of excess earnings of the recipient; appropriating money; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of S. F. No. 102, be now adopted. The motion prevailed.

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

S. F. No. 102: A bill for an act relating to the town of Thomson in Carlton county; authorizing a special tax levy for certain purposes.

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

Strike everything after the enacting clause, and insert:

“Section 1. Minnesota Statutes 1976, Section 275.10, Subdivision 1, is amended to read:

275.10 [TAX LEVY IN TOWNS.] Subdivision 1. [RATE.] *Notwithstanding the levy limitation provisions of sections 275.50 to 275.59, or any other law to the contrary, the total amount of taxes, exclusive of money and credits taxes, that may be levied in each calendar year by or for any town, through the vote of the town meeting or the electors of such town or otherwise, and by or for any board or commission thereof, for any and all general or special purposes whatsoever, including payment of indebtedness and bonds, shall not exceed $5\frac{2}{3}$ mills the mill levy determined by the electors of the town at their annual town meeting, which mill levy shall be on the dollar of the assessed taxable valuation of the property in the town, exclusive of money and credits, whenever such levy of $5\frac{2}{3}$ mills upon the dollar of such assessed taxable valuation will produce a total levy of town taxes as great as or greater than an average of \$1,888 per government section of the entire area of such town, according to government survey of the property therein in any one calendar year, and no such town, by vote of the electors or otherwise, shall contract debts or make expenditures in any calendar year in excess of the amount of taxes assessed for that year, plus any available unexpended balance in prior years against which obligations have not been incurred.*

Sec. 2. [REPEALER.] *Minnesota Statutes 1976, Sections 275.09, Subdivision 3; 275.10, Subdivisions 2 and 3; 275.31; 275.32; 275.33; 275.34; and 275.35, are repealed.*

Sec. 3. [EFFECTIVE DATE.] *This act is effective only after its approval by a majority of the electors of a town voting on*

the question at the annual town meeting or at a special town meeting called for that purpose, and upon compliance with Minnesota Statutes, Section 645.021."

Further, strike the title and insert:

"A bill for an act relating to taxation; tax levy in towns; removing levy limitations on towns; providing that the electors of any town at their annual town meeting shall determine the amount of taxes that may be levied in the town; amending Minnesota Statutes 1976, Section 275.10, Subdivision 1; repealing Minnesota Statutes 1976, Sections 275.09, Subdivision 3; 275.10, Subdivisions 2 and 3; and 275.31 to 275.35."

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

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

S. F. No. 104: A bill for an act relating to Cook county; authorizing construction of a building for the county highway department and the issuance of general obligation bonds to finance the cost thereof.

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

Page 2, after line 1, insert:

"Sec. 3. This act is effective the day following final enactment."

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

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

S. F. No. 10: A bill for an act relating to cities; providing for the establishment of tourist information centers; authorizing payments of expenses of governing officers in certain cases; amending Minnesota Statutes 1976, Sections 465.53 and 465.54.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 104 and 10 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to the Order of Business of Introduction and First Reading of Senate Bills. The motion

prevailed. Mr. Purfeerst questioned the reference on S. F. No. 324 and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Lessard moved that his name be stricken as co-author to S. F. No. 248. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Borden be added as co-author to S. F. No. 268. The motion prevailed.

Mr. Willet moved that S. F. No. 83 be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Laufenburger moved that the name of Mr. Keefe, S. be stricken and Mr. Olhoff be added as co-author to S. F. No. 232. The motion prevailed.

Mr. Merriam moved that the name of Mr. Frederick be added as co-author to S. F. No. 304. The motion prevailed.

Mr. Coleman introduced—

Senate Resolution No. 18: A Senate resolution relating to expenses of Senate interns.

BE IT RESOLVED, by the Senate, that for the 1977 session of the 70th Legislature, each member of the Senate is entitled to be reimbursed for the cost of meals and transportation furnished by him to any volunteer interns assisting with his work, up to a maximum of \$12 during each week the Legislature is in session.

Requests for reimbursement shall be submitted to the Secretary of the Senate monthly on forms provided for this purpose and shall include a certification by the member that the amounts for which reimbursement is sought have been paid to his interns.

The Secretary of the Senate shall prepare and issue warrants for payment of intern expenses from the Senate Legislative Expense Fund.

Mr. Coleman moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

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

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

Terri A. Erickson, Senate Researcher classification, effective February 9, 1977

Rev. William D. Young, Chaplain, effective February 1, 1977

Rev. Jeannette Piccard, Chaplain, effective February 21, 1977

Laura Lindorfer, Clerk Typist II classification, effective February 15, 1977

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

Mr. Wegener moved that the name of Mr. Olhoff be added as co-author to S. F. No. 273. The motion prevailed.

Mr. Merriam moved that the name of Mr. Strand be added as co-author to S. F. No. 301. The motion prevailed.

Mr. Merriam moved that the name of Mr. Strand be added as co-author to S. F. No. 304. The motion prevailed.

Mr. Chenoweth moved that the report from the Committee on Governmental Operations, reported February 7, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Chenoweth moved that in accordance with the report from the Committee on Governmental Operations, reported February 7, 1977, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE EMPLOYEES SUGGESTION BOARD

Francis "Barney" Hage, 223 Selmser Avenue, Cloquet, Carlton County, effective July 1, 1976, for a term expiring January 1, 1979.

Linda Ady, 1492 Goodwin Avenue North, St. Paul, Ramsey County, effective July 1, 1976, for a term expiring January 1, 1979.

STATE BOARD OF HUMAN RIGHTS

Jacqui Thompson, 3400 Third Avenue South, Minneapolis, Hennepin County, effective November 9, 1976, for a term expiring January 1, 1979.

Joseph Bester, 1825 Third Avenue South, Minneapolis, Henne-

pin County, effective November 9, 1976, for a term expiring January 1, 1978.

Arloa Molstad, Box 83, Gaylord, Sibley County, effective November 9, 1976, for a term expiring January 1, 1977.

STATE PERSONNEL BOARD

Barbara Hofstede, 2220 St. Anthony Parkway, Minneapolis, Hennepin County, effective December 8, 1976, for a term expiring January 1, 1979.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 12:00 o'clock noon, Tuesday, February 15, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FOURTEENTH DAY

St. Paul, Minnesota, Tuesday, February 15, 1977

The Senate met at 12:00 o'clock noon and was called to order by the President.

CALL OF THE SENATE

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

Ashbach	Dieterich	Kleinbaum	Pillsbury	Strand
Bang	Dunn	Laufenburger	Purfeerst	Stumpf
Benedict	Engler	Lessard	Schmitz	Tennessee
Bernhagen	Gearty	Menning	Schrom	Ueland, A.
Borden	Hanson	Moe	Sieloff	Vega
Chenoweth	Hughes	Nelson	Sikorski	Wegener
Chmielewski	Jensen	Nichols	Spear	
Coleman	Johnson	Penny	Staples	
Davies	Kirchner	Peterson	Stokowski	

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

Prayer was offered by the Chaplain, Rev. Vernon D. Gunderman.

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

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

Mrs. Brataas; Messrs. Keefe, S.; Knoll; Lewis; Milton; Schaaf and Sillers were excused from the Session of today.

OATH OF OFFICE

The newly elected Senator from the Twenty-First District, Mr. A. O. H. Setzepfandt was escorted to the Bar of the Senate by Messrs. Bernhagen and Menning.

He presented proof of his eligibility to be seated as a member of the Senate and subscribed to the Oath of Office as administered by the Honorable John J. Todd, Associate Justice of the Supreme Court.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Nelson, Kirchner, Sikorski, Mrs. Staples and Mr. Vega introduced—

S. F. No. 326: A bill for an act relating to public welfare; regulating meetings of county welfare boards; amending Minnesota Statutes 1976, Section 393.07, by adding a subdivision.

Referred to the Committee on Local Government. Mr. Chenoweth questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Jensen, Frederick, Bernhagen, Ashbach and Ulland, J. introduced—

S. F. No. 327: A bill for an act relating to taxation; providing an inflation adjustment for the income tax rate schedule; amending Minnesota Statutes 1976, Section 290.06, Subdivision 2c, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Jensen; Knutson; Bernhagen; Ulland, J. and Ashbach introduced—

S. F. No. 328: A bill for an act relating to the legislature; requiring that its meetings and the meetings of its committees, subcommittees and commissions be open to the public; defining meeting; prescribing penalties; amending Minnesota Statutes 1976, Section 471.705.

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

Messrs. Purfeerst, Schrom, Nichols, Peterson and Strand introduced—

S. F. No. 329: A bill for an act relating to unemployment compensation; permanently disqualifying persons voluntarily leaving jobs or discharged for misconduct from benefits; amending Minnesota Statutes 1976, Section 268.09, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Luther, Sikorski, Milton and Vega introduced—

S. F. No. 330: A bill for an act relating to insurance; regulating the use of credit life and credit health and accident insurance; amending Minnesota Statutes 1976, Sections 61A.12, by adding subdivisions; 62B.01; 62B.04, Subdivision 1; 62B.05; 62B.06, by adding subdivisions; 62B.07, Subdivision 2, and by adding a subdivision; 62B.08, Subdivision 2, and by adding subdivisions; and 62B.11.

Referred to the Committee on Commerce.

Messrs. Davies, Gearty, Spear and Sieloff introduced—

S. F. No. 331: A bill for an act relating to taxation; providing for state reimbursement of taxing districts for tax reduction granted to Title II and certain other property; amending Minnesota Statutes 1976, Section 276.04; and Chapter 273, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoff, Davies, Wegener, Frederick and McCutcheon introduced—

S. F. No. 332: A bill for an act relating to taxation; exempting certain square dance admissions from sales taxation; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe, Hanson, Sillers, Willet and Wegener introduced—

S. F. No. 333: A bill for an act relating to agriculture; potato industry promotion; providing for an increase in the assessment levied; amending Minnesota Statutes 1976, Section 30.469.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Keefe, S. introduced—

S. F. No. 334: A bill for an act relating to unemployment compensation; ineligibility for benefits in certain instances; amending Minnesota Statutes 1976, Section 268.08, Subdivision 3.

Referred to the Committee on Employment.

Messrs. Bang; Keefe, S.; Ueland, A.; Gearty and Stokowski introduced—

S. F. No. 335: A bill for an act relating to elections; providing for judges of election to serve under certain conditions; amending Minnesota Statutes 1976, Sections 207.02; and 204A.17, Subdivisions 1 and 2.

Referred to the Committee on Elections.

Messrs. McCutcheon; Spear; Ueland, A.; Vega and Hanson introduced—

S. F. No. 336: A bill for an act relating to Spanish-speaking people; creating a state board on affairs of the Spanish-speaking people; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Olson introduced—

S. F. No. 337: A bill for an act relating to the city of Fairmont; membership of new police in the public employees retirement association.

Referred to the Committee on Governmental Operations.

Mr. Schrom introduced—

S. F. No. 338: A bill for an act relating to the city of Paynesville; providing for the acquisition of the Paynesville historical society; providing for a tax levy.

Referred to the Committee on Local Government.

Messrs. Davies, McCutcheon, Sieloff and Hanson introduced—

S. F. No. 339: A bill for an act relating to taxation; repealing obsolete references to a tax on money and credits; repealing Minnesota Statutes 1976, Chapter 285.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies; Gearty; Keefe, S. and Jensen introduced—

S. F. No. 340: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

Referred to the Committee on Rules and Administration.

Messrs. Dieterich, Coleman and Merriam introduced—

S. F. No. 341: A bill for an act relating to taxation; providing for a credit against income tax for the cost of care for certain de-

pendents; appropriating money; amending Minnesota Statutes 1976, Chapter 290, by adding a section; repealing Minnesota Statutes 1976, Section 290.09, Subdivision 26.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke, Knutson and Keefe, J. introduced—

S. F. No. 342: A bill for an act relating to unemployment compensation; providing that a person voluntarily terminating employment without good cause is disqualified from benefits; amending Minnesota Statutes 1976, Section 268.09, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Knutson; Ueland, A.; Mrs. Brataas and Mr. Jensen introduced—

S. F. No. 343: A bill for an act relating to state government; requiring an economic impact statement for proposed administrative rules; amending Minnesota Statutes 1976, Section 15.0412, Subdivision 4, and by adding a subdivision.

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

Mr. Schrom introduced—

S. F. No. 344: A bill for an act appropriating money to the department of natural resources for the installation of a box culvert under a highway in Stearns county, providing a waterway connection between certain lakes to enable water craft to cross from one lake to the other.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Anderson, Chenoweth and Schaaf introduced—

S. F. No. 345: A bill for an act relating to the Minnesota municipal board; providing for per diem compensation and reimbursement of expenses for board members; amending Minnesota Statutes 1976, Section 414.01, Subdivision 6a.

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

Messrs. Laufenburger; Keefe, S.; Bang and Spear introduced—

S. F. No. 346: A bill for an act relating to alcoholic beverages;

classification of malt liquors; amending Minnesota Statutes 1976, Sections 340.001, Subdivision 2; 340.02, Subdivisions 10, 12, and 13; 340.07, Subdivision 2; 340.401, Subdivision 2; and 340.47, Subdivision 2; repealing Minnesota Statutes 1976, Section 340.11, Subdivision 15.

Referred to the Committee on Commerce.

Messrs. Laufenburger, Bang, Solon and Mrs. Brataas introduced—

S. F. No. 347: A bill for an act relating to interest; authorizing charges for open end credit sales; amending Minnesota Statutes 1976, Section 334.16, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Nelson, Gunderson, Benedict and Merriam introduced—

S. F. No. 348: A bill for an act relating to municipalities; planning and regulating development in orderly annexation areas adjacent to cities; amending Minnesota Statutes 1976, Sections 414.034, Subdivision 1; 414.068, Subdivisions 1, 2, and 3; and Chapter 115, by adding a section.

Referred to the Committee on Local Government. Mr. Chenoweth questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Menning, Olhoft, Benedict and Anderson introduced—

S. F. No. 349: A bill for an act relating to taxation; exempting certain sales of gas and fuel oil from the general sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Mr. Schaaf introduced—

S. F. No. 350: A bill for an act relating to elections; establishing a uniform municipal election day for election of county, city and school district officers, county and municipal judges and officers of all other political subdivisions except towns; requiring uniform and coordinated election precincts and polling places for municipalities and school districts; integrating municipal and school district election laws with laws applicable to other elections; providing state reimbursement to towns and cities for election costs; appropriating money; amending Minnesota Statutes 1976, Chapters 204A by adding a section; and 205 by adding sections; and Sections 40.05, Subdivisions 1, 3 and 4; 40.06, Subdivision 1; 123.12, Subdivisions 1 and 5; 123.33, Subdivision 1; 123.34, Subdivision 1; 123.351, Subdivisions 1 and 3; 200.02, Subdivisions 1, 8, and 24 and by adding subdivisions; 202A.52; 203A.17; 203A.32,

Subdivision 3; 204A.06, Subdivision 1; 204A.11, Subdivision 3, and by adding a subdivision; 204A.40, Subdivision 2; 204A.45, Subdivision 1; 204A.47, Subdivision 2 and by adding a subdivision; 204A.48; 205.01; 205.021; 205.13; 205.14; 205.16, Subdivision 2; 207.02; 207.151; 209.02, Subdivisions 1 and 3; 398.04; and 410.21; repealing Minnesota Statutes 1976, Sections 123.015; 123.11, Subdivisions 2, 3, 4, 5 and 6; 123.32; 128.01; 128.02; 201.33; 205.02; 205.03; 205.07; 205.11; 205.18; 205.19; and 205.20.

Referred to the Committee on Elections.

MESSAGES FROM THE HOUSE

Mr. President:

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

Senate Concurrent Resolution No. 5: A Senate concurrent resolution relating to adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 10, 1977

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports in the Agenda be now adopted. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 201: A bill for an act relating to crimes; prohibiting devices intended to be used to avoid payment of long distance telecommunications services; prescribing penalties; amending Minnesota Statutes 1976, Section 609.785.

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

Page 1, line 14, after the stricken language insert "*evading the charge or*"

Page 1, line 20, strike "\$100" and insert "\$300"

Page 2, line 1, strike "\$100" and insert "\$300"

Page 2, line 4, strike "*and that its*"

Page 2, line 5, strike "*design renders it primarily useful*"

Page 2, line 14, strike "*five*" and insert "*three*"

Page 2, line 14, strike "\$5,000" and insert "\$3,000"

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

Mr. Davies from the Committee on Judiciary, to which was re-referred

S. F. No. 69: A bill for an act relating to adoption; removing certain witness requirements in the execution of consents; amending Minnesota Statutes 1976, Section 259.24, Subdivision 5.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 259.24, Subdivision 5, is amended to read:

Subd. 5. [EXECUTION.] All consents *to an adoption*, except those by the commissioner of ~~public welfare~~, his agent ~~or~~, a licensed child-placing agency, ~~to an adoption or the child's parent when that parent is either a co-petitioner in the adoption proceeding, or does not have custody of the child,~~ shall be ~~in writing~~, executed before a representative of the commissioner of ~~public welfare~~, his agent ~~or~~, a licensed child-placing agency or a judge of the juvenile court. In addition ~~to all consents to an adoption shall be in writing, executed before two competent witnesses and acknowledged by the consenting party ; and .~~ Consents shall be filed in the adoption proceedings at any time before the matter is heard provided, however, that a consent executed and acknowledged outside of this state, either in accordance with the law of this state or in accordance with the law of the place where executed, is valid.

Sec. 2. *This act shall be effective the day following final enactment.*”

Amend the title as follows:

Page 1, line 2, strike “removing certain witness”

Page 1, strike line 3 and insert “increasing the exceptions in execution of consents to adoptions; requiring consents to be in writing, before witnesses;”

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 166: A bill for an act relating to real estate; landlord and tenant; venue of actions brought to recover rent deposits; amending Minnesota Statutes 1976, Section 504.20, Subdivision 7.

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

Page 1, after line 7, insert

“Section 1. Minnesota Statutes 1976, Section 487.30, is amended by adding a subdivision to read:

Subd. 3. Notwithstanding the provisions of subdivision 1 of this section or any rule of court to the contrary, the conciliation court of the county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a rent deposit on rental property located in the county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 2. Minnesota Statutes 1976, Section 488.04, is amended by adding a subdivision to read:

Subd. 3a. Notwithstanding the provisions of subdivision 1 of this section or any rule of court to the contrary, a municipal court has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a rent deposit on rental property located in whole or in part in the county or counties in which the city is located, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 3. Minnesota Statutes 1976, Section 488A.01, is amended by adding a subdivision to read:

Subd. 4a. Notwithstanding the provisions of subdivisions 2 or 8 of this section or any court rule to the contrary, the municipal court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a rent deposit on rental property located in Hennepin county, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 4. Minnesota Statutes 1976, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,000. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a) of this subdivision, or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a rent deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 5. Minnesota Statutes 1976, Section 488A.18, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] (a) Excepting cases involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed the sum of \$6,000, exclusive of interest and costs. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) The court also has jurisdiction, within the limitations provided in this subdivision, to hear, try and determine civil actions commenced by a plaintiff, resident of Ramsey county, where the action arose out of alleged negligent operation of a motor vehicle in Ramsey county, notwithstanding that the defendant or defendants are not residents of the county. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any such action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) of this subdivision or any rule of court to the contrary, the municipal court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a rent deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 6. Minnesota Statutes 1976, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,000. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) of this subdivision or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a rent deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota."

Page 1, strike lines 9 to 17 and insert "is amended by adding a subdivision to read:"

Page 1, line 18, strike "by the landlord of such deposit." and insert "Subd. 7b."

Page 1, line 18, after "action" insert ", including an action in conciliation court,"

Page 1, line 19, strike "is" and insert "may be"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, strike "Section" and insert "Sections 487.30, by adding a subdivision; 488.04, by adding a subdivision; 488A.01, by adding a subdivision; 488A.12, Subdivision 3; 488A.18, Subdivision 4; 488A.29, Subdivision 3; and"

Page 1, strike line 5 and insert "by adding a subdivision."

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 70, 20, 43, 21, 51 and 107, makes the following report:

That S. F. No. 20 be re-referred to the Committee on Finance.

That the following bills be placed on the General Orders Calendar in the order indicated: S. F. Nos. 43, 21 and 51

That the following bills are being retained in the subcommittee pending a request for action: S. F. Nos. 70 and 107

Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35,

S. F. Nos. 142, 204, 251, 261, 262, 227, 245, 192, 202, 208, 238, 235, 258, 187, 228, 239, 257, 215, 168, 134, 160, 247 and 265.

Reports the same back with the recommendation that the bills be re-referred as follows:

S. F. Nos. 142, 204, 251, 261 and 262 to the Committee on Agriculture and Natural Resources.

S. F. No. 227 to the Committee on Education.

S. F. No. 245 to the Committee on Elections.

S. F. Nos. 192, 202, 208 and 238 to the Committee on Employment.

S. F. Nos. 235 and 258 to the Committee on Energy and Housing.

S. F. No. 187 to the Committee on Finance.

S. F. Nos. 228, 239 and 257 to the Committee on General Legislation and Veterans Affairs.

S. F. No. 215 to the Committee on Governmental Operations.

S. F. No. 168 to the Committee on Health, Welfare and Corrections.

S. F. Nos. 134 and 160 to the Committee on Judiciary.

S. F. No. 247 to the Committee on Local Government.

S. F. No. 265 to the Committee on Transportation.

Report adopted.

Mr. Laufenburger, from the Committee on Mileage, to which was referred the matter of reporting the miles traveled by members of the Senate for the 70th Legislature, respectfully reports as follows:

MEMBER	MILEAGE
ANDERSON, Jerald	83
ASHBACH, Robert	16

BANG, Otto T., Jr.	38
BENEDICT, Robert	46
BERNHAGEN, John	152
BORDEN, Winston	292
BRATAAS, Nancy	160
CHENOWETH, John	10
CHMIELEWSKI, Florian	210
COLEMAN, Nicholas	0
DAVIES, Jack	16
DIETERICH, Neil	0
DUNN, Robert	120
ENGLER, Steve	70
FREDERICK, Mel	118
GEARTY, Edward	30
GUNDERSON, Jerome	280
HANSON, Marvin	760
HUGHES, Jerome	10
HUMPHREY, Hubert H. III	50
JENSEN, Carl	240
JOHNSON, Douglas J.	460
KEEFE, John	40
KEEFE, Steve	27
KIRCHNER, William	36
KLEINBAUM, Jack	140
KNOLL, Franklin	24
KNUTSON, Howard	44
LAUFENBURGER, Roger	230
LESSARD, Robert	596
LEWIS, B. Robert	36
LUTHER, William	32
McCUTCHEON, William	0
MENNING, Marion (Mike)	456
MERRIAM, Gene	47
MILTON, John	24

MOE, Roger	530
NELSON, Tom	200
NICHOLS, James	402
OGDAHL, Harmon	30
OLHOFT, Wayne	360
OLSON, Howard	270
PENNY, Timothy	179.4
PERPICH, George	443
PETERSON, Collin	410
PILLSBURY, George	45
PURFEERST, Clarence	115
RENNEKE, Earl	146
SCHAAF, David	36
SCHMITZ, Robert	96
SCHROM, Ed	191
SETZEPFANDT, A. O. H.	192
SIELOFF, Ron	13
SIKORSKI, Gerry	48
SILLERS, Douglas	500
SOLON, Sam G.	320
SPEAR, Allan	16
STAPLES, Emily Anne	48
STOKOWSKI, Eugene	24
STRAND, Roger	350
STUMPF, Peter	2.5
TENNESSEN, Robert	24
UELAND, Arnulf Jr.	180
ULLAND, James	340
VEGA, Conrad	24
WEGENER, Myrton	330
WILLET, Gerald	410

Mr. Laufenburger moved the adoption of the foregoing Committee Report. The motion prevailed. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, makes the following report: That the temporary rules of the

Senate appearing in the Journal for the first day be amended as follows:

Rule 57:

After "Agriculture and Natural Resources" strike "18" and insert "19"

After "Governmental Operations" strike "19" and insert "20"

After "Local Government" strike "11" and insert "12"

After "Taxes and Tax Laws" strike "19" and insert "20"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 201, 69 and 166 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Stumpf moved that the name of Mr. Sieloff be added as co-author to S. F. No. 277. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Sieloff be added as co-author to S. F. No. 278. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Menning be added as co-author to Senate Concurrent Resolution No. 3. The motion prevailed.

Mr. Merriam moved that the name of Mr. Penny be added as co-author to S. F. No. 301. The motion prevailed.

Mr. Kleinbaum moved that the name of Mr. Sieloff be added as co-author to S. F. No. 293. The motion prevailed.

Mr. McCutcheon moved that S. F. No. 60 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Energy and Housing. The motion prevailed.

Mr. Coleman, for the Committee on Rules and Administration, moved to amend Senate Resolution No. 6, a Senate resolution relating to standing committees, as shown in the Journal for the first day, as follows:

Agriculture and Natural Resources (~~18~~) 19

Add: Setzepfandt

Governmental Operations (~~19~~) 20

Add: Sikorski

Local Government (~~11~~) 12

Add: Setzepfandt

Taxes and Tax Laws (19) 20

Add: Setzepfandt

Transportation (16)

Delete: Sikorski

Add: Setzepfandt

The motion prevailed. So the resolution was amended.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, February 17, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FIFTEENTH DAY

St. Paul, Minnesota, Thursday, February 17, 1977

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

CALL OF THE SENATE

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

Ashbach	Engler	Menning	Pillsbury	Stokowski
Bang	Gearty	Merriam	Purfeerst	Strand
Benedict	Gunderson	Moe	Schmitz	Stumpf
Borden	Hanson	Nelson	Sieloff	Tennessee
Brataas	Hughes	Nichols	Sikorski	Ueland, A.
Chmielewski	Humphrey	Olhoff	Sillers	Vega
Coleman	Johnson	Olson	Solon	Wegener
Dieterich	Lessard	Perpich	Spear	Willet
Dunn	Lewis	Peterson	Staples	

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

Prayer was offered by the Chaplain, Rev. Vernon D. Gunderman.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Kirchner, Knoll, Knutson and Milton were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Keefe, S.; Spear; Vega and Merriam introduced—

S. F. No. 351: A bill for an act relating to labor relations; providing that a successor clause in a collective bargaining agreement is binding on a successor employer; providing that if the successor employer is not notified of the existence of a successor clause, the sale, lease or transfer is voidable; amending Minnesota Statutes 1976, Chapter 179, by adding a section.

Referred to the Committee on Employment.

Messrs. Nelson, Laufenburger, Kirchner and Gearty introduced—

S. F. No. 352: A bill for an act relating to highway safety; requiring loads on dump trucks to be covered; assigning responsibility for such covering to owners and contractors; providing a penalty; amending Minnesota Statutes 1976, Section 169.81, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Knutson and Engler introduced—

S. F. No. 353: A bill for an act relating to financial institutions; power to make conventional loans and purchase of obligations representing such loans; amending Minnesota Statutes 1976, Section 47.20, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Merriam, Sikorski and Pillsbury introduced—

S. F. No. 354: A bill for an act relating to education; smoking by students; permitting certain students to smoke in areas designated by school boards.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Solon introduced—

S. F. No. 355: A bill for an act relating to intoxicating liquor; authorizing towns or municipalities to extend on-sale liquor hours under certain circumstances; amending Minnesota Statutes 1976, Section 340.14, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Solon, McCutcheon and Olson introduced—

S. F. No. 356: A bill for an act relating to veterans; authorizing a memorial plaque; providing a property tax exemption; amending Minnesota Statutes 1976, Section 273.13, Subdivision 15a, and by adding a subdivision; and Chapter 196, by adding a section.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Spear, Mrs. Staples and Mr. Kirchner introduced—

S. F. No. 357: A bill for an act relating to public records; regulating the administration of the state archives and state and local public records; providing a penalty; amending Minnesota Statutes 1976, Sections 15.17, Subdivision 1; 138.161; 138.162; 138.17, Subdivisions 1, 6, and 7; 138.18; 138.19; 138.20; and 138.21; and Chapter 138, by adding sections; repealing Minnesota Statutes 1976, Section 16.66.

Referred to the Committee on Judiciary.

Messrs. Ogdahl, Anderson, Ashbach, Menning and Benedict introduced—

S. F. No. 358: A bill for an act relating to taxation; exempting from sales, use, and property tax certain property to be used to provide a solar energy heating or cooling system for buildings; amending Minnesota Statutes 1976, Sections 272.02, Subdivision 1; and 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Ueland, A.; Frederick; Willet; Renneke and Johnson introduced—

S. F. No. 359: A bill for an act relating to taxation; providing that gross receipts from the sale of secondary school yearbooks be exempt from sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Peterson, Sillers, Davies and McCutcheon introduced—

S. F. No. 360: A bill for an act proposing an amendment to add a section to the Minnesota Constitution, Article X; permitting state tax laws to adopt future federal tax law amendments by reference.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Dunn and Anderson introduced—

S. F. No. 361: A bill for an act relating to education; handi-

capped pupils; providing instruction for certain nonresident pupils; requiring certain costs to be paid by district of residence; amending Minnesota Statutes 1976, Section 120.17, Subdivision 1a.

Referred to the Committee on Education.

Messrs. Stokowski, Peterson, Johnson, Ogdahl and Renneke introduced—

S. F. No. 362: A bill for an act relating to retirement; miscellaneous amendments to the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 2; 354.10; 354.49, Subdivision 5; 354.50, Subdivision 2; 354.53, Subdivision 1; and 354.58.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Kleinbaum, Willet, McCutcheon and Ueland, A. introduced—

S. F. No. 363: A bill for an act relating to taxation; increasing individual income tax credits; providing for a credit for the mentally or physically disabled; amending Minnesota Statutes 1976, Section 290.06, Subdivision 3c.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon; Johnson; Perpich; Ulland, J. and Chmielewski introduced—

S. F. No. 364: A bill for an act relating to counties; providing for appointment to county government study commissions by the chief judge of county court; amending Minnesota Statutes 1976, Section 375A.13, Subdivision 1.

Referred to the Committee on Local Government. Mr. Chenoweth questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Solon; Willet; Stokowski; Keefe, S. and Johnson introduced—

S. F. No. 365: A bill for an act relating to telephone companies; prohibiting charges for directory assistance; amending Minnesota Statutes 1976, Chapter 237, by adding a section.

Referred to the Committee on Commerce.

Messrs. Luther, Olhoft, Spear, Penny and Keefe, J. introduced—

S. F. No. 366: A bill for an act relating to consumer protection; unlawful practices in general; amending Minnesota Statutes 1976, Section 325.79, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Knutson, Engler and Keefe, J. introduced—

S. F. No. 367: A bill for an act relating to taxation; exempting from property taxation the increased value of property when equipped with solar energy system; amending Minnesota Statutes 1976, Chapter 273, by adding a section; and Section 273.11, Subdivision 1.

Referred to the Committee on Energy and Housing.

Mr. Knutson, Mrs. Brataas and Mr. Keefe, J. introduced—

S. F. No. 368: A bill for an act relating to health care; providing conversion privileges under certain accident and health insurance policies, health service plan subscriber contracts and health maintenance contracts, for spouses whose marriage is dissolved; amending Minnesota Statutes 1976, Chapters 62A, by adding a section; 62C, by adding a section; and 62D, by adding a section.

Referred to the Committee on Commerce.

Mr. Knutson introduced—

S. F. No. 369: A bill for an act relating to motor vehicles; ownership and operation; requiring a valid drivers license to purchase a passenger automobile or station wagon; providing a mandatory one year drivers license revocation upon conviction of second or subsequent offense of driving under the influence of drugs or alcoholic beverages; prescribing penalties; amending Minnesota Statutes 1976, Chapter 168, by adding a section; and Section 169.121, Subdivision 4.

Referred to the Committee on Judiciary.

Messrs. Luther, Solon, Spear and Laufenburger introduced—

S. F. No. 370: A bill for an act relating to financial institutions; establishing procedures for issuance of orders and removal of officers or directors in the event of violations of law or unsafe practices; providing penalties.

Referred to the Committee on Commerce.

Messrs. Luther, Kleinbaum and Dieterich introduced—

S. F. No. 371: A bill for an act relating to securities; disciplinary action against a licensee; clarifying the time for initiating a proceeding; amending Minnesota Statutes 1976, Section 80A.07, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Menning, Schrom, Schmitz and Olhoff introduced—

S. F. No. 372: A bill for an act relating to health; providing

standards of consent for abortions; amending Minnesota Statutes 1976, Chapter 145, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Laufenburger, Pillsbury, Wegener, Mrs. Brataas and Mr. Schrom introduced—

S. F. No. 373: A bill for an act relating to the military; allowing the retention of certain rights of state and municipal officers and employees other than full pay while on military duty; requiring the payment of the difference between the military pay and the pay as an officer or employee; amending Minnesota Statutes 1976, Section 192.26, Subdivision 1.

Referred to the Committee on Employment.

Mr. Borden introduced—

S. F. No. 374: A bill for an act relating to the senate; providing for appointment of members of the senate to various commissions, committees, and other bodies; amending Minnesota Statutes 1976, Sections 1.22; 1.34, Subdivision 1; 3.85, Subdivision 3; 3.921, Subdivision 2; 3.922, Subdivision 1; 3.965, Subdivision 1; 84B.11, Subdivision 1; 86.07, Subdivision 1; 121.82, Subdivisions 1 and 2; 161.1419, Subdivision 2; 298.22, Subdivision 2; Extra Session Laws 1971, Chapter 31, Article XIII, Section 1, Subdivision 3, as amended; and Laws 1976, Chapter 337, Section 1, Subdivision 2.

Referred to the Committee on Rules and Administration.

Mr. Milton; Mrs. Staples; Messrs. Ulland, J.; Coleman and Borden introduced—

S. F. No. 375: A bill for an act relating to state employees; day care centers; establishing a state day care pilot project; appropriating money.

Referred to the Committee on Health, Welfare and Corrections. Mr. Chenoweth questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Spear, Knoll and Keefe, S. introduced—

S. F. No. 376: A bill for an act relating to the city of Minneapolis; selection of supervisor of license inspection for the Minneapolis police department; providing for the establishment of qualifications by the Minneapolis city council; amending Laws 1961, Chapter 108, Section 2, as amended.

Referred to the Committee on Local Government.

Messrs. Laufenburger, Solon, Sikorski, Knutson and Borden introduced—

S. F. No. 377: A bill for an act relating to credit union mergers; amending Minnesota Statutes 1976, Section 52.203.

Referred to the Committee on Commerce.

Messrs. Sieloff, Frederick and Bernhagen introduced—

S. F. No. 378: A bill for an act relating to taxation; permitting filing of claim for income-adjusted homestead credit with income tax return; extending income tax return filing date; amending Minnesota Statutes 1976, Sections 290.42; 290A.06; and 290A.07, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Moe introduced—

S. F. No. 379: A bill for an act relating to retirement; police pensions in cities of the fourth class; amending Minnesota Statutes 1976, Sections 423.55 and 423.56.

Referred to the Committee on Governmental Operations.

Messrs. Davies, Knoll, Sieloff and Sikorski introduced—

S. F. No. 380: A bill for an act relating to courts; lapse of causes of action arising outside the state; amending Minnesota Statutes 1976, Section 541.14.

Referred to the Committee on Judiciary.

Messrs. Peterson, Nichols, Laufenburger, Luther and Bernhagen introduced—

S. F. No. 381: A bill for an act relating to game and fish; removal of beaver and destruction of dams; seasons for taking beaver, fox, and wild turkey; hours for taking trout; amending Minnesota Statutes 1976, Sections 97.56; 97.57; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; and 101.42, Subdivision 8.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Moe, Kirchner, Stokowski and Schaaf introduced—

S. F. No. 382: A bill for an act relating to the operation of state government; requiring a reevaluation of state department budgets and programs every two years following zero-based budgeting; providing for investigation by legislative staff.

Referred to the Committee on Governmental Operations.

Messrs. Chmielewski and Olson introduced—

S. F. No. 383: A bill for an act relating to veterans; commissioner of veterans affairs; changing residency requirements for the commissioner and certain officers and employees of the department of veterans affairs; amending Minnesota Statutes 1976, Section 196.02, Subdivision 1.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Sieloff, Pillsbury and Stokowski introduced—

S. F. No. 384: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Sections 2 and 3; setting the size of the legislature and providing for apportionments.

Referred to the Committee on Governmental Operations.

Messrs. Sieloff and Dieterich introduced—

S. F. No. 385: A bill for an act relating to taxation; eliminating city excise taxes on utility charges; providing for replacement of revenues lost by the cities due to elimination of that revenue; appropriating funds; amending Minnesota Statutes 1976, Section 477A.01, by adding a subdivision.

Referred to the Committee on Local Government.

Messrs. Hanson, Wegener, Moe, Strand and Nelson introduced—

S. F. No. 386: A bill for an act relating to redevelopment; providing for membership on regional development commissions; amending Minnesota Statutes 1976, Section 462.388, Subdivision 1.

Referred to the Committee on Local Government. Mr. Chenoweth questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Kleinbaum and Keefe, J. introduced—

S. F. No. 387: A bill for an act relating to taxation; imposing a gross earnings tax on electric utilities; amending Minnesota Statutes 1976, Section 295.01, by adding a subdivision, and Chapter 295, by adding sections; and repealing Minnesota Statutes 1976, Sections 273.36 to 273.42.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Davies and Knutson introduced—

S. F. No. 388: A bill for an act relating to insurance; subrogation

of claims; requiring subrogated insurers to pay a proportionate share of certain attorney fees and costs; amending Minnesota Statutes 1976, Section 65B.53, Subdivision 5, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Sikorski, Chmielewski, Strand, Peterson and Anderson introduced—

S. F. No. 389: A bill for an act relating to taxation; providing that reduced property tax classification for homesteads of disabled persons be continued for their surviving spouses; amending Minnesota Statutes 1976, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederick, Ashbach, Knutson and Perpich introduced—

S. F. No. 390: A bill for an act relating to public welfare; medical assistance eligibility; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Borden introduced—

S. F. No. 391: A bill for an act relating to taxation; providing for increase in levy of county where new construction has increased assessed valuation of the area; amending Minnesota Statutes 1976, Section 275.52, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Borden introduced—

S. F. No. 392: A bill for an act relating to real estate; prohibiting certain abstract entries; amending Minnesota Statutes 1976, Section 386.183.

Referred to the Committee on Judiciary.

Mr. Borden introduced—

S. F. No. 393: A bill for an act relating to interim claims against the state; appropriating moneys for the payment thereof.

Referred to the Committee on Finance.

Messrs. Spear; Vega; Keefe, S.; Luther and Mrs. Staples introduced—

S. F. No. 394: A bill for an act relating to employment agencies; relieving job applicants from the payment of reference or place-

ment fees; requiring employers to pay all employment agency service charges; amending Minnesota Statutes 1976, Sections 184.37; 184.38, Subdivisions 3, 4, 13, and by adding a subdivision; repealing Minnesota Statutes 1976, Section 184.38, Subdivision 11.

Referred to the Committee on Employment.

Messrs. Schmitz, Chmielewski, Dieterich, Bernhagen and Gunderson introduced—

S. F. No. 395: A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

Referred to the Committee on Local Government.

Messrs. Nelson, Olhoft, Bernhagen, Johnson and Benedict introduced—

S. F. No. 396: A bill for an act relating to home rule charter and statutory cities; permitting the adoption by reference of model ordinances, ordinances of cities and counties, and ordinance codes; amending Minnesota Statutes 1976, Section 471.62.

Referred to the Committee on Local Government.

Messrs. Johnson, Willet, Engler, Solon and Setzepfandt introduced—

S. F. No. 397: A bill for an act relating to the department of natural resources; providing conservation officers with the powers of peace officers; amending Minnesota Statutes 1976, Section 84.028, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson; Anderson; Willet; Ueland, A. and Solon introduced—

S. F. No. 398: A bill for an act relating to school districts; permitting an excess tax levy for tuition costs above the foundation formula amount; amending Minnesota Statutes 1976, Section 275.125, Subdivision 3, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Nelson, Schrom and Kleinbaum introduced—

S. F. No. 399: A bill for an act relating to gambling; authorizing certain activities by nonprofit organizations; amending Minne-

sota Statutes 1976, Sections 325.54, Subdivision 1; and 609.75, Subdivision 3, and by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Dieterich, Hughes and Moe introduced—

S. F. No. 400: A bill for an act relating to education; Minnesota higher education coordinating board; providing grants-in-aid for part time students.

Referred to the Committee on Education.

Mr. Ashbach introduced—

S. F. No. 401: A bill for an act relating to motor vehicles; regulation of certain motor vehicle dealers; place of doing business; amending Minnesota Statutes 1976, Section 168.27, Subdivision 10.

Referred to the Committee on Commerce.

Messrs. Ashbach, Frederick, Bang, Sillers and Bernhagen introduced—

S. F. No. 402: A bill for an act relating to taxation; excluding amounts paid as social security taxes from Minnesota gross income; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Mr. Luther introduced—

S. F. No. 403: A bill for an act relating to licensing boards; providing for reissuance of licenses from the board of architecture, engineering, land surveying and landscape architecture; amending Minnesota Statutes 1976, Section 326.11, Subdivision 5.

Referred to the Committee on Commerce.

MESSAGES FROM THE HOUSE

Mr. President:

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

H. F. Nos. 42 and 6.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 15, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 42: A bill for an act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.29, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 6: A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02 Subdivision 1, and by adding a subdivision; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

Referred to the Committee on Employment.

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

S. F. No. 16: A bill for an act proposing an amendment to the Minnesota Constitution, Article VII, Section 6; providing that all eligible voters may hold most elective offices.

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

Mr. Purfeerst from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for January 6, 1977:

STATE DEPARTMENT OF TRANSPORTATION COMMISSIONER

R. James Harrington

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

H. F. No. 12: A bill for an act relating to Independent School District No. 15 and Independent School District No. 911; providing for a transfer of property between the districts.

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

Mr. Chenoweth from the Committee on Governmental Opera-

tions, to which was referred the following appointment as reported in the Journal for January 17, 1977:

METROPOLITAN COUNCIL

Joan Campbell

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. Davies from the Committee on Judiciary, to which was referred

S. F. No. 56: A bill for an act relating to housing; providing implied and express warranties on the sale of new housing upon the seller.

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

Strike everything after the enacting clause and insert:

“Section 1. [DEFINITIONS.] *Subdivision 1. As used in this act, the terms in this section shall have the meanings assigned to them.*

Subd. 2. “Building standards” means the structural, mechanical, electrical, and quality standards of the home building industry for the geographic area in which the dwelling is situated.

Subd. 3. “Dwelling” means a new building, not previously occupied, constructed for the purpose of habitation; but does not include appurtenant recreational facilities, detached garages, driveways, walkways, patios, boundary walls, retaining walls not necessary for the structural stability of the dwelling, landscaping, fences, nonpermanent construction materials, off-site improvements, and all other similar items.

Subd. 4. “Initial vendee” means a person who first contracts to purchase a dwelling from a vendor for the purpose of habitation and not for resale in the ordinary course of trade.

Subd. 5. “Major construction defect” means actual damage to the load-bearing portion of the dwelling, including damage due to subsidence, expansion or lateral movement of the soil, which affects its load-bearing function and which vitally affects or is imminently likely to vitally affect use of the dwelling for residential purposes. “Major construction defect” does not include damage due to movement of the soil caused by flood, earthquake or other natural disaster.

Subd. 6. “Vendee” means any purchaser of a dwelling and includes the initial vendee and any subsequent purchasers.

Subd. 7. “Vendor” means any person, firm or corporation which constructs dwellings for the purpose of sale.

Subd. 8. "Warranty date" means the date from and after which the statutory warranties provided in section 2 of this act shall be effective, and is the earliest of

(a) the date of the initial vendee's first occupancy of the dwelling; or

(b) the date on which the initial vendee takes legal or equitable title in the dwelling.

Sec. 2. [STATUTORY WARRANTIES.] *Subdivision 1. In every sale of a completed dwelling, and in every contract for the sale of a dwelling to be completed, the vendor shall warrant to the vendee that:*

(a) During the one year period from and after the warranty date the dwelling shall be free from defects caused by faulty workmanship and defective materials due to noncompliance with building standards;

(b) During the two year period from and after the warranty date, the dwelling shall be free from defects caused by faulty installation of plumbing, electrical, heating, and cooling systems; and

(c) During the ten year period from and after the warranty date, the dwelling shall be free from major construction defects.

Subd. 2. The statutory warranties provided in section 2 of this act shall survive the passing of legal or equitable title in the dwelling to the vendee.

Sec. 3. [EXCLUSIONS.] *The liability of the vendor under this act is limited to the specific items set forth in this act and does not extend to the following:*

(a) Loss or damage not reported by the vendee to the vendor in writing within six months after the vendee discovers or should have discovered the loss or damage;

(b) Loss or damage caused by defects in design, installation, or materials which the vendee supplied, installed, or had installed under his direction;

(c) Secondary loss or damage such as personal injury or property damage;

(d) Loss or damage from normal wear and tear;

(e) Loss or damage from normal shrinkage caused by drying of the dwelling within tolerances of building standards;

(f) Loss or damage from dampness and condensation due to insufficient ventilation after occupancy;

(g) Loss or damage from negligence, improper maintenance or alteration of the dwelling by parties other than the vendor;

(h) Loss or damage from changes in grading of the ground around the dwelling by parties other than the vendor;

(i) Landscaping or insect loss or damage;

(j) Loss or damage from failure to maintain the dwelling in good repair;

(k) Loss or damage which the vendee, whenever feasible, has not taken timely action to minimize;

(l) Loss or damage which occurs after the dwelling is no longer used primarily as a residence;

(m) Accidental loss or damage usually described as acts of God, including, but not limited to: fire, explosion, smoke, water escape, windstorm, hail or lightning, falling trees, aircraft and vehicles, flood, and earthquake, except when the loss or damage is caused by failure to comply with building standards;

(n) Loss or damage from soil movement which is compensated by legislation or covered by insurance;

(o) Loss or damage due to soil conditions where construction is done upon lands owned by the vendee and obtained by him from a source independent of the vendor.

Sec. 4. [WAIVER AND MODIFICATION LIMITED.] *Subdivision 1. Except as provided in subdivision 2 of this section, the provisions of this act cannot be waived or modified by contract or otherwise. Any agreement which purports to waive or modify the provisions of this act, except as provided in subdivision 2 of this section, shall be void.*

Subd. 2. At any time after a contract for the sale of a dwelling is entered into by and between a vendor and a vendee, any of the statutory warranties provided for in this act may be excluded or modified only by a written instrument, printed in bold face type of a minimum size of ten points, which is signed by the vendee and which sets forth in detail the warranty involved, the consent of the vendee, and the terms of the new agreement contained in the writing. No exclusion or modification shall be effective unless the vendor provides substitute express warranties offering substantially the same protections to the vendee as the statutory warranties set forth in section 2 of this act. Any modification or exclusion agreed to by the vendee and the vendor pursuant to this subdivision shall not require the approval of the commissioner of administration pursuant to section 7 of this act.

Sec. 5. [REMEDIES.] *Upon breach of any warranty imposed by this act, the vendee shall have a cause of action against the vendor for damages arising out of the breach, or for specific performance. Damages shall be limited to:*

(a) *The amount necessary to remedy the defect or breach; or*

(b) *The difference between the value of the dwelling without the defect and the value of the dwelling with the defect.*

Sec. 6. [OTHER WARRANTIES.] *The statutory warranties provided for in this act shall be in addition to all other warranties imposed by law or agreement. The remedies provided in section 5 of this act shall not be construed as limiting the remedies in any action not predicated upon breach of the statutory warranties imposed by section 2 of this act.*

Sec. 7. [VARIATIONS.] *The commissioner of administration may approve, pursuant to Minnesota Statutes, Section 15.0412, variations from the provisions of sections 2 and 3 if the warranty program of the vendor requesting the variation offers at least substantially the same protections to the vendee as provided by the statutory warranties set forth in section 2 of this act.*

Sec. 8. Minnesota Statutes 1976, Section 541.051 is amended by adding a subdivision to read:

Subd. 4. This section shall not apply to actions based on breach of the statutory warranties set forth in section 2 of this act.

Sec. 9. [EFFECTIVE DATE.] *This act shall be effective January 1, 1978, and shall apply to all contracts for the sale of a dwelling signed on or after that date."*

Amend the title as follows:

Page 1, line 2, strike "implied and express" and insert "statutory"

Page 1, line 3, strike "upon the" and insert "; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051 by adding a subdivision."

Page 1, strike line 4

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

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

S. F. No. 22: A bill for an act relating to Lake of the Woods county; authorizing issuance of one off-sale liquor license.

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

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

S. F. No. 76: A bill for an act relating to commerce; extending the effective date of certain provisions of law that require tents and sleeping bags to be flame resistant; amending Laws 1975, Chapter 341, Section 6.

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

Page 1, line 12, strike everything after "effective" and insert "October 1, 1977."

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 193: A bill for an act relating to courts; juvenile courts in Ramsey and Hennepin counties; providing terms for district judges designated as juvenile judges; amending Minnesota Statutes 1976, Section 260.021, Subdivisions 2 and 3.

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

Page 1, line 17, after "as" insert "*the judge of*"

Page 1, line 17, strike "*judge*" and insert "*court*"

Page 2, line 19, strike "*but in*" and insert "*for a term of up to two years. In*"

Page 3, after line 7 insert

"Sec. 3. Minnesota Statutes 1976, Section 484.65, Subdivision 1, is amended to read:

484.65 [FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT.] Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge *appointed by the chief judge of the district court to serve for a term not exceeding two years. The judge appointed or elected to said this office shall be designated as the district court judge, family court division. No judge may be appointed to serve consecutive terms as the district court judge, family court division. Said district court judge shall be elected or appointed in the manner as provided for the election or appointment of other district court judges, except that he shall be designated district court judge, family court division, and at the primary or general election the office shall be so designated on the ballot.*

Sec. 4. Minnesota Statutes 1976, Section 484.65, Subdivision 6, is amended to read:

Subd. 6. Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court. *A person appointed to fill a vacancy in the office of district court judge, family court division shall serve in that office for the unexpired portion of the term during which the vacancy occurred, but may not be appointed to serve as district court judge, family division during the next consecutive term.*

Sec. 5. [EFFECTIVE DATE.] Subdivision 1. *This act shall be effective July 1, 1977.*

Subd. 2. *On the effective date of this act, a person elected to the office of district court judge, juvenile court division, pursuant to Minnesota Statutes 1976, Section 260.021, Subdivision 3, shall no longer be designated as the district court judge, juvenile court division; but he shall serve as a district court judge for the term of office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court.*

Subd. 3. On the effective date of this act, a person elected to the office of district court judge, family court division, pursuant to Minnesota Statutes, Section 484.65, Subdivision 1, shall no longer be designated as the district court judge, family court division, but he shall serve as a district court judge for the term of office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court."

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 2, strike "juvenile courts in Ramsey and"

Page 1, line 3, strike "Hennepin counties;"

Page 1, line 4, after "judges" and before the semicolon insert "in Hennepin and Ramsey counties"

Page 1, line 4, after the semicolon insert "providing terms for district judges designated as family court judges in Hennepin county;"

Page 1, line 5, strike "Section" and insert "Sections"

Page 1, line 6, after "3" and before the period insert "; and 484.65, subdivisions 1 and 6"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 22, 76 and 193 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. 12 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Laufenburger moved that S. F. No. 208 be withdrawn from the Committee on Employment and re-referred to the Committee on Commerce. The motion prevailed.

Mr. Laufenburger moved that the name of Mr. Peterson be added as co-author to S. F. No. 346. The motion prevailed.

Mr. Ueland, A., moved that the name of Mr. Knutson be added as co-author to S. F. No. 45. The motion prevailed.

Mr. Coleman introduced—

Senate Concurrent Resolution No. 6: A Senate concurrent resolution relating to adjournment.

BE IT RESOLVED, by the Senate, the House of Representatives concurring, that when either the Senate or the House of Representatives adjourns on February 17, 1977, it may adjourn to any date not later than February 22, 1977.

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

GENERAL ORDERS

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

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

S. F. Nos. 43 and 21 which the committee recommends to pass.

Also S. F. No. 51 which the committee reports progress, after the following motion:

Mr. Menning moved to amend S. F. No. 51 as follows:

Page 5, line 28, strike "*candidate*" and insert "*candidates*"

Page 5, line 29, strike "*candidate*" and insert "*candidates*"

Page 5, line 29, strike "*his*" and insert "*their respective*"

Page 5, line 29, strike "*address*" and insert "*addresses*"

Page 7, line 13, strike "*candidate*" and insert "*candidates*"

Page 7, line 14, strike "*candidate*" and insert "*candidates*"

Page 7, line 14, strike "*his*" and insert "*their respective*"

Page 7, line 14, strike "*address*" and insert "*addresses*"

Page 8, line 17, strike "*candidate*" and insert "*candidates*"

Page 8, line 18, strike "*candidate*" and insert "*candidates*"

Page 8, line 18, strike "*his*" and insert "*their respective*"

Page 8, line 19, strike "*address*" and insert "*addresses*"

Page 9, line 21, strike "*candidate*" and insert "*candidates*"

Page 9, line 22, strike "*candidate*" and insert "*candidates*"

Page 9, line 22, strike "*his*" and insert "*their respective*"

Page 9, line 23, strike "*address*" and insert "*addresses*"

Page 10, after line 2, insert:

"Sec. 9. Minnesota Statutes 1976, Section 204A.54, Subdivision 1, is amended to read:

204A.54 [CERTIFICATES OF ELECTION; PREPARATION, DELIVERY.] Subdivision 1. [PREPARATION, DELIVERY.] The auditor of each county, and the secretary of state where the candidates for office are voted for in more than one county, shall

make for every person declared elected by the canvassing board of the county or the state canvassing board a certificate of his election and deliver the certificate to the person entitled thereto upon demand, and without fee. No certificate of election shall be made or delivered while a recount is being done by a canvassing board because the difference between votes is 100 or less pursuant to sections 204A.51 or 204A.53. The auditor of any county also shall make for any candidate or voter of his county, a certified copy of any statement of votes made by the county canvassing board upon payment or tender of one dollar therefor. In case of a contest, the court may invalidate and revoke the certificate, pursuant to chapter 209.

Sec. 10. Minnesota Statutes 1976, Section 206.026, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise provided in this chapter, the election judges shall conduct the election in the manner prescribed for precincts using paper ballots in chapter 204 204A .”

Renumber the sections in sequence.

Page 11, line 6, strike “regulations” and insert “rules”

Amend the title as follows:

Page 1, lines 2 and 3, strike “counts and recounts” and insert “procedures for counting ballots; recounts in legislative races on request”

Page 1, line 9, after “3;” and before “206.03;” insert “204A.54, Subdivision 1; 206.026, Subdivision 5;”

The motion prevailed. So the amendment was adopted.

S. F. No. 51 was then progressed.

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

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Frederick moved that the name of Mr. Bernhagen be added as co-author to S. F. No. 210. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Tuesday, February 22, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTEENTH DAY

St. Paul, Minnesota, Monday, February 21, 1977

The House of Representatives met on Monday, February 21, 1977, which was the Sixteenth Legislative Day of the Seventieth Session of the Minnesota State Legislature. The Senate did not meet on this date.

SEVENTEENTH DAY

St. Paul, Minnesota, Tuesday, February 22, 1977

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

CALL OF THE SENATE

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

Ashbach	Frederick	Laufenburger	Peterson	Spear
Bang	Gearty	Luther	Pillsbury	Stokowski
Benedict	Gunderson	McCutcheon	Purfeerat	Strand
Borden	Hanson	Menning	Schaaf	Stumpf
Brataas	Hughes	Milton	Schmitz	Tennessee
Chmielewski	Jensen	Nelson	Schrom	Ueland, A.
Coleman	Johnson	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Keefe, S.	Olhoff	Sieloff	Vega
Dunn	Kleinbaum	Olson	Sikorski	Wegener
Engler	Knoll	Perpich	Sillers	Willet

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

Prayer was offered by the Chaplain, Rev. Jeannette Piccard.

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

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 17, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I respectfully request that the nomination of John A. Peterson, Thomas E. Halloran and Mrs. Gertrude Suel for appointment to the Metropolitan Airports Commission, submitted in Governor Anderson's letter dated December 14, 1976, be withdrawn and returned to my office, as I have been informed that they do not require Senate approval.

Sincerely,
Rudy Perpich, Governor

Referred to the Committee on Governmental Operations.

January 25, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Senator Gearty:

Pursuant to Minnesota Laws, 1974, Chapter 355, I have designated Senator Neil Dieterich an ex officio, nonvoting member of the Advisory Council on Fluctuating School Enrollments.

Respectfully submitted,
Jerome M. Hughes, Chairman
Senate Education Committee

February 7, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

On February 7, 1977, the Subcommittee on Committees met and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 1976

Sec. 298.22, Iron Range Resources and Rehabilitation Board

Messrs. Perpich, Johnson and Lessard

Sec. 161.1419 Mississippi River Parkway Commission

Messrs. Kleinbaum, Purfeerst and Bernhagen

Respectfully,
Nicholas D. Coleman, Chairman
Subcommittee on Committees

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Perpich and Anderson introduced—

S. F. No. 404: A bill for an act relating to accident and health insurance; exempting certain dental care plans from the Minnesota comprehensive health insurance act of 1976; amending Minnesota Statutes 1976, Section 62E.02, Subdivision 11.

Referred to the Committee on Commerce.

Messrs. Laufenburger, Wegener, Purfeerst, Kirchner and Kleinbaum introduced—

S. F. No. 405: A bill for an act relating to the state transportation system; correcting conditions of a bond authorization; amending Laws 1976, Chapter 339, Section 3.

Referred to the Committee on Transportation.

Messrs. Solon, Vega, Olson and Davies introduced—

S. F. No. 406: A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

Referred to the Committee on Commerce.

Mr. Ulland, J. introduced—

S. F. No. 407: A bill for an act relating to retirement; adjustment of annuities of certain retired members of the public employees retirement association.

Referred to the Committee on Governmental Operations.

Messrs. Davies, Hanson and Sieloff introduced—

S. F. No. 408: A bill for an act relating to state government agencies and officials; requiring rules, findings of facts, written opinions, and open precedents in certain circumstances; expanding judicial review of actions of agencies and officials.

Referred to the Committee on Governmental Operations.

Messrs. Anderson and Merriam introduced—

S. F. No. 409: A bill for an act relating to Independent School District No. 11; transferring title of certain land from the state to Independent School District No. 11.

Referred to the Committee on Education.

Messrs. Spear; Keefe, S.; Ogdahl; Merriam and Tennessen introduced—

S. F. No. 410: A bill for an act relating to labor; prohibiting the deduction of certain losses from wages without authorization by the employee; providing a cause of action for wrongful deduction.

Referred to the Committee on Employment.

Messrs. McCutcheon, Hanson, Purfeerst, Menning and Willet introduced—

S. F. No. 411: A bill for an act relating to peace officers; providing for training and licensing; renaming the peace officer training board and giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 626.841; 626.843, Subdivisions 1 and 2; 626.845; 626.846; 626.847; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Section 626.844.

Referred to the Committee on Governmental Operations.

Messrs. McCutcheon, Wegener, Gunderson, Moe and Willet introduced—

S. F. No. 412: A bill for an act relating to municipalities; providing for negotiation of contracts between municipalities and state departments and agencies for provision of fire and police protection services for state institutions, land and other property.

Referred to the Committee on Governmental Operations.

Messrs. Nelson, Sikorski, Benedict, Humphrey and Mrs. Brataas introduced—

S. F. No. 413: A bill for an act relating to taxation; providing a credit against income tax for the cost of insulating existing residences; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Penny, Mrs. Staples, Messrs. Peterson and Engler introduced—

S. F. No. 414: A bill for an act relating to taxation; providing that gross receipts from the sale of secondary school yearbooks be exempt from sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther, Chenoweth, Sikorski and Schaaf introduced—

S. F. No. 415: A bill for an act relating to consumer protection;

licensing collection agencies, collectors and managers; prescribing duties; authorizing investigations; defining terms; prescribing penalties; amending Minnesota Statutes 1976, Sections 332.31, Subdivision 3, and by adding subdivisions; 332.33, Subdivision 1, and by adding subdivisions; 332.34; 332.42, Subdivision 1; 332.43, Subdivision 1; 332.44; and Chapter 332, by adding sections; repealing Minnesota Statutes 1976, Sections 332.31, Subdivision 5; 332.33, Subdivisions 2, 3, 4, 5 and 6; 332.35; 332.37; 332.40; 332.42, Subdivision 2; 332.43, Subdivisions 2 and 3.

Referred to the Committee on Commerce.

Mr. Lessard introduced—

S. F. No. 416: A bill for an act relating to towns; authorizing the electors of certain towns to provide for certain services; amending Minnesota Statutes 1976, Section 365.20.

Referred to the Committee on Local Government.

Mr. Solon introduced—

S. F. No. 417: A bill for an act relating to highway traffic regulations; accidents; requiring certain information to be given; amending Minnesota Statutes 1976, Section 169.09, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Sikorski, Chenoweth and Gearty introduced—

S. F. No. 418: A bill for an act relating to motor vehicles; application for registration or certificate of title; specifying information to be supplied; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Purfeerst, Mrs. Staples and Mr. Olson introduced—

S. F. No. 419: A bill for an act relating to taxation; exempting certain payments to deceased military personnel from the estate tax; amending Minnesota Statutes 1976, Section 291.05.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Penny, Nichols, Mrs. Brataas, Messrs. Merriam and Sillers introduced—

S. F. No. 420: A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit

for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

Referred to the Committee on Education.

Mrs. Staples, Messrs. McCutcheon, Schaaf, Borden and Ogdahl introduced—

S. F. No. 421: A bill for an act relating to the state building code; providing for the adoption of minimum security standards for new and substantially remodeled housing.

Referred to the Committee on Energy and Housing.

Messrs. Purfeerst, Renneke, Penny, Schrom and Frederick introduced—

S. F. No. 422: A bill for an act relating to agriculture; soybean research and promotion council; powers of the commissioner of agriculture and the council; providing for an increase in fees and specifying the uses thereof; amending Minnesota Statutes 1976, Sections 21A.01; 21A.05; 21A.06; 21A.09; 21A.12; 21A.16, Subdivision 2; 21A.19, Subdivision 1; and Chapter 21A, by adding a section; repealing Minnesota Statutes 1976, Section 21A.18.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sikorski introduced—

S. F. No. 423: A bill for an act relating to juvenile traffic offenders; requiring prosecution of juvenile traffic offenders under laws controlling adult traffic offenders; amending Minnesota Statutes 1976, Sections 260.111, Subdivision 1; 260.121, Subdivision 3; 260.193, Subdivisions 1 and 4; repealing Minnesota Statutes 1976, Section 260.193, Subdivisions 3, 5, and 6.

Referred to the Committee on Judiciary.

Messrs. Sikorski, Kleinbaum, Vega and Schaaf introduced—

S. F. No. 424: A bill for an act relating to county government; requiring boards of seven members in certain counties; amending Minnesota Statutes 1976, Sections 375.01; and 375A.09, Subdivision 2.

Referred to the Committee on Local Government.

Messrs. Sikorski, Luther and Mrs. Staples introduced—

S. F. No. 425: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Sections 2 and 3; providing for congressional and legislative apportionments by a commission.

Referred to the Committee on Rules and Administration.

Mr. Sikorski introduced—

S. F. No. 426: A bill for an act relating to motor vehicles; providing for limited licenses to attend chemical dependency programs; amending Minnesota Statutes 1976, Section 171.30, Subdivision 1.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Sikorski, McCutcheon and Tennessen introduced—

S. F. No. 427: A bill for an act relating to education; school districts; tort liability; removing school district immunity as to certain claims; amending Minnesota Statutes 1976, Section 466.03, Subdivision 6.

Referred to the Committee on Judiciary.

Mr. Olhoff, Mrs. Brataas, Messrs. Schrom, Menning and Wegener introduced—

S. F. No. 428: A bill for an act relating to cities; authorizing the League of Minnesota Cities to acquire and convey property; granting tax exempt status; amending Minnesota Statutes 1976, Section 465.58.

Referred to the Committee on Governmental Operations.

Messrs. Tennessen, Knoll, Davies and Sillers introduced—

S. F. No. 429: A bill for an act relating to crimes; restrictions on the justifiable taking of life upon making an arrest; amending Minnesota Statutes 1976, Section 609.065.

Referred to the Committee on Judiciary.

Messrs. Perpich, Olhoff, McCutcheon, Solon and Olson introduced—

S. F. No. 430: A bill for an act relating to peace officers; vocational-technical school training in compliance with training requirements; amending Minnesota Statutes 1976, Section 626.846, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Merriam, Olson and Dunn introduced—

S. F. No. 431: A bill for an act relating to game and fish; authorizing a season for taking bobcat; amending Minnesota Statutes 1976, Sections 100.26, Subdivision 1; and 100.27, Subdivisions 3 and 7.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Tennessen, Nelson, McCutcheon and Keefe, J. introduced—

S. F. No. 432: A bill for an act relating to governmental operations; authorizing access of citizens to data; classifying data; defining terms; providing penalties; amending Minnesota Statutes 1976, Sections 15.17, Subdivisions 1, 2, 4 and by adding subdivisions; and 15.171.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Merriam, Nelson, McCutcheon and Keefe, J. introduced—

S. F. No. 433: A bill for an act relating to public welfare; classifying data; defining terms; amending Minnesota Statutes 1976, Section 15.162, Subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Merriam, Nelson, McCutcheon and Keefe, J. introduced—

S. F. No. 434: A bill for an act relating to health; classifying data; amending Minnesota Statutes 1976, Sections 144.065; and 145.05.

Referred to the Committee on Judiciary.

Messrs. Davies, Dieterich and Knutson introduced—

S. F. No. 435: A bill for an act relating to insurance; providing for the coordination of reparations benefits for automobile losses; amending Minnesota Statutes 1976, Section 65B.49, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Davies, Spear, Chmielewski, Mrs. Brataas and Mr. Olhoft introduced—

S. F. No. 436: A bill for an act relating to insurance; requiring certain insurers and health service plan corporations to settle claims within a specified time; prescribing civil penalties; amending Minnesota Statutes 1976, Sections 61A.03; 62A.04, Subdivision 2; 62C.14, by adding a subdivision; 72A.12, by adding a subdivision; and Chapter 72A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Tennessen, Luther, Jensen, Spear and Borden introduced—

S. F. No. 437: A bill for an act relating to assumed business names; amending Minnesota Statutes 1976, Sections 333.01;

333.04; and 333.06; and Chapter 333, by adding sections; repealing Minnesota Statutes 1976, Sections 333.02; 333.03; and 333.05.

Referred to the Committee on Commerce.

Mr. Tennesen, Mrs. Brataas, Messrs. Laufenburger, Nelson and Solon introduced—

S. F. No. 438: A bill for an act relating to bank charters, confidentiality of financial statements, hearing costs, managing officers, automatic expiration; amending Minnesota Statutes 1976, Sections 45.04; and 45.07.

Referred to the Committee on Commerce.

Messrs. Schmitz, Ashbach, Willet, Anderson and Lewis introduced—

S. F. No. 439: A bill for an act relating to metropolitan government; changing the appointment procedure for metropolitan council members; amending Minnesota Statutes 1976, Sections 473.121, by adding subdivisions; 473.123, Subdivisions 5, 6, and by adding subdivisions; repealing Minnesota Statutes 1976, Section 473.123, Subdivisions 2, 3 and 4.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Johnson and Sillers introduced—

S. F. No. 440: A bill for an act relating to retirement; elections, computation and purchase of prior service credit in the teachers retirement fund; amending Minnesota Statutes 1976, Sections 354.146, by adding a subdivision; 354.44, Subdivision 6; and 354.51, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Ogdahl and Gearty introduced—

S. F. No. 441: A bill for an act relating to the city of Minneapolis; benefits and administration of the municipal employees retirement fund; amending Minnesota Statutes 1976, Sections 422A.02; 422A.03, Subdivision 1; 422A.06, Subdivision 6; 422A.08, Subdivision 5; 422A.16, Subdivision 10, and by adding a subdivision; 422A.18, Subdivision 2; and 422A.23, Subdivision 7, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Setzepfandt, Merriam, Wegener, Renneke and Menning introduced—

S. F. No. 442: A bill for an act relating to county planning and zoning; providing for enforcement of certain subdivision regula-

tions by providing for approval of conveyancing instruments by a county planning and zoning officer prior to recording; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Bernhagen, Schmitz, Engler, Olhoft and Wegener introduced—

S. F. No. 443: A bill for an act relating to highways; providing for the removal of trees, shrubs and other obstructions within highway limits; amending Minnesota Statutes 1976, Sections 160.22, Subdivision 8; and 160.27, Subdivision 6; repealing Minnesota Statutes 1976, Section 160.22, Subdivision 7.

Referred to the Committee on Transportation.

Messrs. Chmielewski, Bernhagen, Menning, Olhoft and Schrom introduced—

S. F. No. 444: A bill for an act relating to arts; providing a rating system for plays performed in live theaters; amending Minnesota Statutes 1976, Section 139.10, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Hanson, McCutcheon, Borden, Schaaf and Sillers introduced—

S. F. No. 445: A bill for an act relating to crimes; specifying the acts constituting the crime of retail theft; amending Minnesota Statutes 1976, Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Section 629.366.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Solon; Spear; Vega and Tennessen introduced—

S. F. No. 446: A bill for an act relating to public welfare; increasing supplemental aid; appropriating money; amending Minnesota Statutes 1976, Section 256D.37, Subdivision 2, and by adding subdivisions.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, S.; Laufenburger and Davies introduced—

S. F. No. 447: A bill for an act relating to labor relations; changing negotiable terms of employment for certain public professional employees; amending Minnesota Statutes 1976, Section 179.63, Subdivision 18.

Referred to the Committee on Employment.

Messrs. Keefe, S.; McCutcheon; Mrs. Brataas; Messrs. Schmitz and Borden introduced—

S. F. No. 448: A bill for an act relating to public safety; telephone companies; providing for local emergency telephone service; appropriating money.

Referred to the Committee on Commerce.

Mr. Chmielewski introduced—

S. F. No. 449: A bill for an act relating to highway traffic regulations; requiring bumpers; amending Minnesota Statutes 1976, Section 169.73, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Borden, Bang, Spear, Nichols and Kleinbaum introduced—

S. F. No. 450: A bill for an act relating to banks and banking; authorizing certain branch banks; permitting consolidation of banks in regions; amending Minnesota Statutes 1976, Sections 48.34 and 49.34.

Referred to the Committee on Commerce.

Mr. Peterson, Mmes. Brataas, Staples, Messrs. Schrom and Knoll introduced—

S. F. No. 451: A bill for an act relating to the operation of state government; establishing a system of periodic review of certain agencies; providing a hearing; creating guidelines; setting termination dates.

Referred to the Committee on Governmental Operations.

Messrs. Chenoweth, McCutcheon, Coleman and Johnson introduced—

S. F. No. 452: A bill for an act relating to taxation; providing for state reimbursement of taxing districts for tax reduction granted to Title II and certain other property; amending Minnesota Statutes 1976, Sections 273.13, Subdivision 17b; 276.04; and Chapter 273, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth, McCutcheon, Coleman, Stumpf and Sieloff introduced—

S. F. No. 453: A bill for an act relating to the city of St. Paul; providing for temporary use of a plan of assessment which will delay increases in assessed valuation in the city of St. Paul for certain buildings.

Referred to the Committee on Local Government. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Anderson, Wegener, Olson, Engler and Milton introduced—

S. F. No. 454: A bill for an act relating to agriculture; regulating the use of the name "Minnesota Farmstead Cheese."

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Spear; Ulland, J.; Keefe, S. and Lewis introduced—

S. F. No. 455: A bill for an act relating to education; establishing pilot bilingual and native American language and culture education programs; granting certain powers and duties to the state board of education; establishing a state bilingual and native American language and culture education advisory council; appropriating money; amending Minnesota Statutes 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; repealing Minnesota Statutes 1976, Section 126.07.

Referred to the Committee on Education.

Messrs. Keefe, S.; Penny; Stokowski and Ueland, A. introduced—

S. F. No. 456: A bill for an act relating to elections; allowing municipalities to open polling places at 6:00 a.m.; amending Minnesota Statutes 1976, Section 204A.05, Subdivision 1.

Referred to the Committee on Elections.

Mr. Nelson introduced—

S. F. No. 457: A bill for an act relating to taxation; providing for payment in lieu of taxes for certain property used for housing for elderly or low or moderate income families; amending Minnesota Statutes 1976, Section 273.13, Subdivision 17; and Chapter 272, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Sikorski; Lewis; Renneke and Milton introduced—

S. F. No. 458: A bill for an act relating to welfare; increasing the personal allowance for persons in care facilities; amending Minnesota Statutes 1976, Section 256B.35, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Johnson, Willet and Milton introduced—

S. F. No. 459: A bill for an act relating to public welfare; establishing a formula for allocating state funds to counties for social service programs; prescribing county duties; providing for social service tax levies; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 144.065; 145.55, Subdivision 1; 245.62; 245.68; 245.70; 252.22; 252.23; 252.26; 252.27, Subdivision 1; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2; 254A.08, Subdivision 1; 256.12, Subdivision 9; 256.871, Subdivision 5; 256.95; 260.251, Subdivision 1a; 275.50, Subdivisions 5; 393.07, Subdivisions 2 and 3; 477A.01, Subdivision 2; 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144.13; 145.01; 145.03; 145.05; 145.06; 145.07; 145.08, Subdivisions 2, 3 and 4; 145.12; 145.123; 145.125, Subdivisions 1 and 2; 145.47; 145.48; 145.49; 145.50; 145.51; 145.52; 145.53; 145.54; 145.921; 245.61; 245.63; 245.64; 245.66; 245.67; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.14; 254A.15; 254A.16; 254A.17; 256.977; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Milton, Gunderson, Mrs. Staples, Messrs. Vega and Nelson introduced—

S. F. No. 460: A bill for an act relating to public health; providing for ownership and control of medical records by their individual subjects; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Solon, Davies, Gearty and Ueland, A. introduced—

S. F. No. 461: A bill for an act relating to the administration of criminal justice; establishing a contingent fund to be used by law enforcement agencies for the purchase of narcotics and contraband; appropriating money.

Referred to the Committee on Health, Welfare and Corrections. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. McCutcheon, Milton and Mrs. Staples introduced—

S. F. No. 462: A bill for an act relating to health; defining

“migrant laborers”; amending Minnesota Statutes 1976, Section 145.912, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olhoff, Moe, Menning, Nichols and Sillers introduced—

S. F. No. 463: A bill for an act relating to licensed occupations; providing for reciprocity in licensing for plumbers licensed in other states; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, S.; Coleman and Milton introduced—

S. F. No. 464: A bill for an act relating to public welfare; changing eligibility standards for medical assistance; appropriating money; amending Minnesota Statutes 1976, Section 256B.06, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

MESSAGES FROM THE HOUSE

Mr. President:

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

Senate Concurrent Resolution No. 6: A Senate concurrent resolution relating to adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 17, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 51.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted February 17, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 176, 187 and 283.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted February 21, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 51: A bill for an act relating to elections; providing for election judges in certain precincts; amending Minnesota Statutes 1976, Section 204A.17, Subdivision 5.

Referred to the Committee on Elections.

H. F. No. 176: A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

Referred to the Committee on General Legislation and Veterans Affairs.

H. F. No. 187: A bill for an act relating to education; braille and deaf schools; providing for appointment of advisory councils; amending Minnesota Statutes 1976, Section 128A.03, Subdivision 3.

Referred to the Committee on Education.

H. F. No. 283: A bill for an act relating to securities; disciplinary action against a licensee; clarifying the time for initiating a proceeding; amending Minnesota Statutes 1976, Sections 80A.07, Subdivision 2, and 80A.21, Subdivision 1.

Referred to the Committee on Commerce.

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. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 200: A bill for an act relating to banking; authorized investments and powers of savings banks; amending Minnesota Statutes 1976, Sections 50.14, Subdivision 5; 50.148; and 50.157.

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

Page 1, line 11, strike "deed" and insert "deeds"

Page 1, line 17, after "clause" insert "(1)"

Page 2, line 14, strike "deed" and insert "deeds"

Page 2, line 15, strike "a" and insert "an original"

Page 2, line 19, strike the period and insert ", provided that construction loans made by a savings bank pursuant to this clause

(1) (c) shall not exceed in the aggregate 5 percent of the assets of the savings bank."

Page 3, line 11, strike "\$20,000" and insert "\$25,000"

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

Mr. Tennesen from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for January 6, 1977:

PUBLIC SERVICE COMMISSION

Richard J. Parish

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. Perpich from the Committee on Health, Welfare and Corrections to which was referred

S. F. No. 137: A bill for an act relating to health; appropriating money to fund a program of graduate training in family practice for physicians.

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

Page 1, line 10, strike "sums" and insert "sum of \$12,000 per student up to a maximum"

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

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

S. F. No. 232: A bill for an act relating to unemployment compensation; redefining "wages" for contribution purposes; changing contribution rates; providing for charging of benefits; increasing weekly benefits; redefining "credit week"; providing for disqualification for benefits; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 25 and 29; 268.06, Subdivisions 5 and 8; 268.07, Subdivision 2; and 268.09.

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

Page 1, after line 12 insert:

"Section 1. Minnesota Statutes 1976, Section 268.04, Subdivision 2, is amended to read:

Subd. 2. "Base period" means the period of fifty-two calendar

weeks immediately preceding the first day of an individual's benefit year. *Provided, however, that if a claimant received weekly worker's compensation for temporary total disability under the provisions of chapter 176 or under a similar law of the United States for more than seven weeks within the base period, as heretofore defined, his base period shall be lengthened by the number of such weeks, but not to exceed 52 weeks, for which he received such payments; provided further, that no extended base period shall include wage credits upon which benefits were established and paid with respect to a prior valid claim.*"

Page 4, line 15, delete "3" and insert "2"

Page 8, after line 11 insert:

"Sec. 7. Minnesota Statutes 1976, Section 268.08, Subdivision 1, is amended to read:

268.08 [PERSONS ELIGIBLE TO RECEIVE BENEFITS.] Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that:

(1) He has registered for work at and thereafter has continued to report to an employment office, or agent of such office, in accordance with such regulations as the commissioner may prescribe; except that the commissioner may by regulation waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) He has made a claim for benefits in accordance with such regulations as the commissioner may prescribe; and

(3) He was able to work and was available for work, and was actively seeking work, provided that individual's weekly benefit amount shall be reduced one-fifth for each day such individual is unable to work or unavailable for work; provided further that benefits after December 31, 1971, shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner;

An individual shall be deemed unavailable for work with respect to any week which occurs in a period when his principal occupation is that of a student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in his base period were for services performed during weeks in which he was attending school.

(4) He has been unemployed for a waiting period of one week during which he is otherwise eligible for benefits under sections 268.03 to 268.24, provided, however, payment for the waiting week shall be made to such individual after he has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of such individual's return to employment. No individual shall be required to serve a waiting period of more than one week within the one

year period subsequent to filing a valid claim and commencing with the week within which such valid claim was filed.”

Page 10, line 10 delete “*pregnancy or*”

Page 10, line 11 delete “*requested a leave of absence because of said*”

Page 10, line 12 delete “*circumstances or*” and “*other*”

Page 10, line 15 delete “*conditions*” and insert “*location*”

Page 15, after line 1 insert:

“*Subd. 7. This section shall apply to any separation from employment or refusal of a job referral or job offer occurring in this or any other state if such employment is insured under this law, a similar law of another state, the Railroad Unemployment Act or Title 5 of U.S.C. Chapter 85.*”

Sec. 9. Minnesota Statutes 1976, Section 268.18, Subdivision 3, is amended to read:

Subd. 3. [FALSE REPRESENTATIONS; CONCEALMENT OF FACTS.] Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact to obtain or increase any benefit or other payment under sections 268.03 to 268.24, or under the employment security law of any state or of the federal government or of a foreign government, either for himself or any other person, shall be guilty of a gross misdemeanor.

Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining a subject employer or to avoid or reduce any contribution or other payment required from an employing unit under those sections or under the employment security law of any state or of the federal government, or who wilfully fails or refuses to make any such contributions or other payment or to furnish any reports at the time when required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be guilty of a gross misdemeanor.”

Page 15, delete lines 2 to 4 and insert:

“*Sec. 10. Sections 2 and 5 of this act are effective January 1, 1977. Sections 1, 3, 4, 6, 7, 8, and 9 are effective July 2, 1977.*”

Renumber the sections

Further amend the title as follows:

Page 1, line 2, after “*compensation;*” insert “*redefining “base period”;*”

Page 1, line 7, after “*benefits;*” insert “*providing a penalty;*”

Page 1, line 8, after “*Subdivisions*” insert “*2,*”

Page 1, line 9, strike the final "and" and insert "268.08, Subdivision 1;"

Page 1, line 10, after "268.09" insert "; and 268.18, Subdivision 3"

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

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

S. F. No. 40: A bill for an act relating to education; quality education council; expanding duties and functions; amending Minnesota Statutes 1976, Sections 3.925; 3.926, Subdivision 2; and 3.927.

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

Page 3, strike lines 20 and 21

Page 3, line 30, after the period insert: "*The council may provide encouragement and assistance to school districts or combinations thereof by making them aware of and giving them information concerning possible and actual alternative programs or schools. It may also conduct training sessions and workshops for teachers, administrators, and the public, and provide consultative help in starting programs, reallocating resources, and solving problems of program implementation. However, the council shall not in any biennium expend more than 15 percent of its biennial appropriation for dissemination of information concerning these alternative programs or schools, the conduct of these training sessions and workshops, or the provision of this consultative help.*"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 189: A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; amending Minnesota Statutes 1976, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; and 609.615.

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

Page 6, after line 30, insert

"Sec. 9. *This act shall be effective August 1, 1977, and shall apply to all crimes committed on or after that date.*"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 254: A bill for an act relating to trusts; county court jurisdiction over; amending Minnesota Statutes 1976, Sections 501.11; 501.12, Subdivision 3; 501.17; 501.211, Subdivision 4; 501.22, Subdivisions 2, 4, and 5; 501.23; 501.24; 501.25; 501.27; 501.33; 501.34; 501.35; 501.38; 501.42; 501.44; and Chapter 501, by adding a section.

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

Page 11, line 22, strike "*such*" and insert "*that*"

Page 11, line 23, strike "*such*" and insert "*the*"

Page 11, line 24, strike "*such*" and insert "*an express*"

Page 11, line 24, after "*trust*" insert "*by will or other written instrument*"

Page 11, line 26, strike "*such*" and insert "*that*"

Page 11, line 27, strike "*such*" and insert "*the unconfirmed*"

Page 11, line 29, after "*trust*" insert a comma

Page 11, line 29, strike "*such*" and insert "*the*"

Page 12, line 24, strike "; *provided that any*" and insert ". *The*"

Page 13, line 7, after "*upon*" insert "*the*"

Page 13, line 7, after "*hearing*" insert "*on the petition*"

Page 13, line 13, after "*trust*" insert a period

Page 13, line 14, strike "*provided that*"

Page 13, line 14, strike "*herein*" and insert "*in this section*"

Page 13, line 16, strike "*section*" and insert "*sections*"

Page 13, line 16, strike "*its*" and insert "*the*"

Page 13, line 17, after "*appointment*" insert "*of the trustee*"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "*clarifying*"

Page 1, line 3, after "*over*" and before the semicolon insert "*trusts*"

Page 1, line 3, after the semicolon insert "*permitting a trustee or beneficiary of a trust to petition the court to release jurisdiction over certain trusts;*"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 188: A bill for an act relating to crimes; correcting references in the laws relating to criminal sexual conduct; amending Minnesota Statutes 1976, Sections 246.43, Subdivision 1; 609.11, Subdivision 1; 609.195; 609.293, Subdivision 5; and 609.341, Subdivision 10; repealing Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4.

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

Page 3, after line 24 insert

"Sec. 5. Minnesota Statutes 1976, Section 609.32, Subdivision 1, is amended to read:

609.32 [PROSTITUTION.] Subdivision 1. [DEFINITIONS.] (1) "Prostitution" means engaging or offering or agreeing to engage for hire in sexual intercourse penetration, as defined in section 609.29 609.341, subdivision 12 or sodomy as defined in section 609.293, subdivision 1.

(2) A "place of prostitution" is a house or other place where prostitution is practiced or from which prostitution is promoted.

Sec. 6. Minnesota Statutes 1976, Section 609.32, Subdivision 3, is amended to read:

Subd. 3. [OTHER ACTS PROHIBITED.] Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:

- (1) Keeps a place of prostitution; or
- (2) Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or
- (3) Solicits or induces another over the age of 18 years to practice prostitution; or
- (4) Solicits another under the age of 18 years to have engage in sexual intercourse penetration or to commit sodomy with a prostitute or admits him to a place of prostitution; or
- (5) Engages as a prostitute in an act of sexual intercourse or sodomy prostitution with another under the age of 18 years; or
- (6) Transports a prostitute from one place of prostitution within the state to another such place within or without the state, or brings a prostitute into the state, for the purpose of prostitution.

Sec. 7. Minnesota Statutes 1976, Section 609.32, Subdivision 4, is amended to read:

Subd. 4. [FURTHER ACTS PROHIBITED.] Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

- (1) Engages in prostitution; or

(2) Is supported in whole or in part by the earnings of a prostitute; or

(3) Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual intercourse or sodomy penetration with a prostitute; or

(4) Hires or offers or agrees to hire another person to engage in sexual intercourse or sodomy penetration."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon insert "609.32, Subdivisions 1, 3, and 4;"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 200, 232, 40, 189, 254 and 188 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that the report from the Committee on Transportation, reported February 17, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Purfeerst moved that in accordance with the report from the Committee on Transportation, reported February 17, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

STATE DEPARTMENT OF TRANSPORTATION COMMISSIONER

R. James Harrington, 2100 West 21st Street, Minneapolis, Hennepin County, effective August 1, 1976, for a term expiring January 1, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Schrom moved that the name of Mr. Willet be added as co-author to S. F. No. 247. The motion prevailed.

Mr. Keefe, S. moved that the name of Mr. Johnson be added as co-author to S. F. No. 351. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dunn be added as co-author to S. F. No. 354. The motion prevailed.

Mr. Solon moved that the name of Mr. Olhofft be added as co-author to S. F. No. 356. The motion prevailed.

Mr. Luther moved that the name of Mr. Vega be added as co-author to S. F. No. 370. The motion prevailed.

Mr. Wegener moved that his name be stricken as co-author to S. F. No. 373. The motion prevailed.

Mr. Nelson moved that the name of Mr. Sikorski be added as co-author to S. F. No. 399. The motion prevailed.

Mr. Chenoweth moved that the report from the Committee on Governmental Operations, reported February 17, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Chenoweth moved that in accordance with the report from the Committee on Governmental Operations, reported February 17, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN COUNCIL

Joan Campbell, 947-17th Avenue Southeast, Minneapolis, Hennepin County, effective January 12, 1977, for a term expiring January 5, 1981.

The motion prevailed. So the appointment was confirmed.

THIRD READING OF SENATE BILLS

S. F. No. 43: A bill for an act relating to highway traffic regulations; parking privileges for the physically handicapped; amending Minnesota Statutes 1976, Section 169.345, Subdivisions 2 and 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Ashbach	Chenoweth	Dunn	Hanson	Keefe, J.
Bang	Chmielewski	Engler	Hughes	Kirchner
Benedict	Coleman	Frederick	Humphrey	Kleinbaum
Borden	Davies	Gearty	Jensen	Knoll
Brataas	Dieterich	Gunderson	Johnson	Knutson

Laufenburger	Moe	Peterson	Sikorski	Ueland, A.
Lessard	Nelson	Pillsbury	Sillers	Ulland, J.
Lewis	Nichols	Purfeerst	Solon	Vega
Luther	Ogdahl	Renneke	Spear	Wegener
McCutcheon	Olhoft	Schaaf	Stokowski	Willet
Menning	Olson	Schmitz	Strand	
Merriam	Penny	Setzepfandt	Stumpf	
Milton	Perpich	Sieloff	Tennessee	

So the bill passed and its title was agreed to.

S. F. No. 21: A bill for an act relating to health; authorizing the licensing of physicians from Canada without an examination; amending Minnesota Statutes 1976, Section 147.03.

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:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S. F. No. 51, which the committee recommends to pass with the following amendment offered by Mr. Menning:

Page 2, line 5, strike "of" and insert "that"

Page 2, line 5, after "election" insert "is held within the boundaries of the school district, county or municipality, respectively"

Page 2, line 7, after "university" insert "or state community college"

Page 2, line 9, strike "of" and insert "that"

Page 2, line 9, after "election" insert "is held in any political subdivision in which the university or college is located"

Page 2, line 10, after "board" insert "or the state board for community colleges, as appropriate"

Page 2, line 10, strike everything after the period

Page 2, strike lines 11 to 13

Page 2, line 17, strike "of" and insert "that"

Page 2, line 17, after "election" insert "is held in any political subdivision in which the school is located"

Page 5, line 31, strike "five" and insert "ten"

Page 5, line 32, strike "receipt" and insert "mailing"

Page 6, line 1, strike everything after the period

Page 6, line 2, strike everything before "A"

Page 7, line 16, strike "five" and insert "ten"

Page 7, line 17, strike "receipt" and insert "mailing"

Page 7, line 18, strike everything after the period

Page 7, line 19, strike everything before "A"

Page 8, line 21, strike "five" and insert "ten"

Page 8, line 21, strike "receipt" and insert "mailing"

Page 8, line 23, strike everything after the period

Page 8, line 24, strike everything before "A"

Page 9, line 25, strike "five" and insert "ten"

Page 9, line 25, strike "receipt" and insert "mailing"

Page 9, strike line 27

Page 9, line 28 strike "agree."

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, February 24, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTEENTH DAY

St. Paul, Minnesota, Thursday, February 24, 1977

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

Prayer was offered by the Chaplain, Rev. Jeannette Piccard.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Engler, Hanson, Milton, Moe, Peterson and Strand were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Luther introduced—

S. F. No. 465: A bill for an act relating to transportation; prohibiting motorcyclists with instruction permits from driving on controlled access highways; amending Minnesota Statutes 1976, Section 169.974, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Tennessen, Hanson, Sieloff, Sikorski and Strand introduced—

S. F. No. 466: A bill for an act relating to post conviction remedy; authorizing the court to determine whether a petitioner must be present at a post conviction hearing; amending Minnesota Statutes 1976, Section 590.04, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Milton, Stumpf, Chenoweth, Hughes and Coleman introduced—

S. F. No. 467: A bill for an act relating to the city of St. Paul; authorizing an on-sale liquor license for the St. Paul Labor Centre, Inc.

Referred to the Committee on Commerce.

Mr. McCutcheon introduced—

S. F. No. 468: A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

Referred to the Committee on Commerce.

Mr. McCutcheon introduced—

S. F. No. 469: A bill for an act relating to motor vehicles; registration and taxation; reducing the filing fee for certain registration applications; amending Minnesota Statutes 1976, Section 168.33, Subdivision 7.

Referred to the Committee on Transportation.

Messrs. Lewis, McCutcheon, Sikorski and Kirchner introduced—

S. F. No. 470: A bill for an act relating to corrections; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; classifying data; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.15; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Lewis, Benedict, Kirchner, Schmitz and Sikorski introduced—

S. F. No. 471: A bill for an act relating to education; state aid for school lunch programs; appropriating money; amending Minnesota Statutes 1976, Chapter 124, by adding a section.

Referred to the Committee on Education.

Messrs. Stokowski, Johnson and Ogdahl introduced—

S. F. No. 472: A bill for an act relating to retirement; additional employer contributions to amortize the deficit in the teachers' retirement fund; amending Minnesota Statutes 1976, Section 354.42, Subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Knutson introduced—

S. F. No. 473: A bill for an act relating to elections; making town treasurers eligible to serve as election judges; amending Minnesota Statutes 1976, Section 204A.17, Subdivision 5.

Referred to the Committee on Elections.

Mr. Merriam introduced—

S. F. No. 474: A bill for an act relating to elections; eliminating indications of incumbency on ballots for judicial elections; amending Minnesota Statutes 1976, Sections 203A.12, Subdivision 5; 487.03, Subdivision 2; 488A.021, Subdivision 3; and 488A.19, Subdivision 3; repealing Minnesota Statutes 1976, Section 203A.12, Subdivision 6.

Referred to the Committee on Elections.

Mr. Peterson introduced—

S. F. No. 475: A bill for an act relating to Becker county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing the same and prescribing penalties for violations thereof.

Referred to the Committee on Local Government.

Messrs. Ulland, J. and Solon introduced—

S. F. No. 476: A bill for an act relating to public welfare; exempting licensed hospitals from day care licensing requirements; amending Minnesota Statutes 1976, Section 245.791.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Ulland, J. introduced—

S. F. No. 477: A bill for an act relating to taxation; allowing certain income adjusted homestead credit claims on behalf of decedents; amending Minnesota Statutes 1976, Section 290A.03, Subdivision 13.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ulland, J. and Solon introduced—

S. F. No. 478: A bill for an act relating to cities; amending the definition of first class cities; amending Minnesota Statutes 1976, Section 410.01.

Referred to the Committee on Local Government.

Mr. Ulland, J. and Mrs. Brataas introduced—

S. F. No. 479: A bill for an act relating to taxation; providing for a credit against income tax for contributions to arts organizations; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf, Schmitz, Stokowski, Johnson and Schaaf introduced—

S. F. No. 480: A bill for an act relating to elections; removing a provision for special hours during which registration locations must be open; amending Minnesota Statutes 1976, Section 201.091, Subdivision 6.

Referred to the Committee on Elections.

Messrs. Merriam, Hughes, Humphrey, Anderson and Sillers introduced—

S. F. No. 481: A bill for an act relating to education; school districts; revising financing systems and accounting procedures for certain district funds; amending Minnesota Statutes 1976, Sections 121.902; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivision 1; 123.335, Subdivision 2; 123.71, Subdivisions 1 and 2; 275.125, Subdivision 8; and 475.61, Subdivision 4.

Referred to the Committee on Education.

Messrs. Ulland, J.; Solon; Keefe, J; Knutson and Kleinbaum introduced—

S. F. No. 482: A bill for an act relating to wild animals; seasons for taking of certain wild animals; deer by bow and arrow; amending Minnesota Statutes 1976, Section 100.27, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Gearty, Ogdahl, Borden, Coleman and Sieloff introduced—

S. F. No. 483: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain executive branch employees; requiring political subdivisions of the state to report certain salaries; providing for a report by the personnel board; amending Minnesota Statutes 1976, Sections 3.099; 3.102; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.069; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; and 487.01, Subdivision 5; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; and 487.05.

Referred to the Committee on Governmental Operations.

Messrs. Lewis, Humphrey, Kirchner, Vega and Milton introduced—

S. F. No. 484: A bill for an act relating to education; school districts; authorizing excess tax levies in certain districts; amending Minnesota Statutes 1976, Section 275.125, Subdivision 6.

Referred to the Committee on Education.

Messrs. Lewis, Humphrey, Kirchner, Hughes and Vega introduced—

S. F. No. 485: A bill for an act relating to retirement; state payment of employer's contribution for school district employees who are members of the public employees retirement association; appropriating money; amending Minnesota Statutes 1976, Chapter 353, by adding a section.

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

Messrs. Lewis, Humphrey, Kirchner, Hughes and Vega introduced—

S. F. No. 486: A bill for an act relating to education; school aids; changing computation of pupil units in districts with declining enrollments; amending Minnesota Statutes 1976, Section 124.17, Subdivision 1.

Referred to the Committee on Education.

Messrs. Lewis, Humphrey, Kirchner and Vega introduced—

S. F. No. 487: A bill for an act relating to education; school aids; providing aid to certain school districts based on levels of training of teachers employed by the district; appropriating money.

Referred to the Committee on Education.

Mr. Sillers introduced—

S. F. No. 488: A bill for an act relating to banks; providing for the location of detached facilities; amending Minnesota Statutes 1976, Section 47.52.

Referred to the Committee on Commerce.

Messrs. Strand, Stokowski, Vega, Lessard and Peterson introduced—

S. F. No. 489: A bill for an act relating to retirement; military service credit for teachers; amending Minnesota Statutes 1976, Section 354.53, Subdivisions 1 and 3.

Referred to the Committee on Governmental Operations.

Messrs. Hanson, Lessard, Perpich and Moe introduced—

S. F. No. 490: A bill for an act relating to public safety; requiring warning devices on truck and crawler cranes; prescribing a penalty.

Referred to the Committee on Transportation.

Messrs. Setzepfandt, Renneke, Nichols and Peterson introduced—

S. F. No. 491: A bill for an act relating to regional development commissions; requiring a report on the commission's effectiveness; providing procedures for terminating commissions; amending Minnesota Statutes 1976, Section 462.393; and Chapter 462, by adding a section.

Referred to the Committee on Local Government.

Messrs. Setzepfandt, Strand, Penny and Moe introduced—

S. F. No. 492: A bill for an act relating to Independent School Districts No. 158, No. 161, No. 217, No. 220, No. 351, No. 354, No. 649, No. 650, No. 782, No. 783, No. 893, and No. 896; authorizing the districts to discontinue certain grades and provide instruction by contract with another district; providing for aids, levies and the contractual rights of teachers in participating districts.

Referred to the Committee on Education.

Messrs. Lewis, Borden, Solon, Knutson and Mrs. Staples introduced—

S. F. No. 493: A bill for an act relating to medical assistance; authorizing interest reimbursement to nonproprietary nursing homes; amending Minnesota Statutes 1976, Section 256B.44, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Lessard introduced—

S. F. No. 494: A bill for an act relating to waters; authorizing conveyance of a dam easement and empowering the town of Hines in Beltrami county to maintain and operate a dam.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olhoft, Willet, Dunn, Luther and Strand introduced—

S. F. No. 495: A bill for an act relating to the environmental quality board; removing appointed officials from its membership; providing for citizen members; abolishing the citizens advisory committee; amending Minnesota Statutes 1976, Sections 116C.03, Subdivisions 2, 2a and 3; and 116C.04, Subdivision 1; repealing Minnesota Statutes 1976, Sections 116C.04, Subdivisions 8 and 9; and 116C.05.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. McCutcheon and Vega introduced—

S. F. No. 496: A bill for an act relating to the city of West St. Paul; authorizing one additional on-sale intoxicating liquor license.

Referred to the Committee on Commerce.

Messrs. Spear, Coleman, Ogdahl, Milton and Keefe, S. introduced—

S. F. No. 497: A bill for an act relating to human rights; prohibiting certain discrimination; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; and 363.03, Subdivisions 1, 2, 5 and 8.

Referred to the Committee on Judiciary.

Messrs. Hanson, Moe, Strand, Olhoft and Renneke introduced—

S. F. No. 498: A bill for an act relating to public drainage systems; increasing the authorized interest rates on bonds; limiting assessment levies for repairs and maintenance; providing for a redetermination of benefits and benefited areas; amending Minne-

sota Statutes 1976, Sections 106.411, Subdivisions 3, 4 and 7; and 106.471, Subdivision 2; and Chapter 106, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz; Coleman; Ulland, J.; Vega and Peterson introduced—

S. F. No. 499: A bill for an act relating to the operation of state government; providing for a study on improving public access to state services and facilities; requiring a report.

Referred to the Committee on Governmental Operations.

Mr. Perpich introduced—

S. F. No. 500: A bill for an act relating to the city of Hibbing; authorizing an increase in the service pensions of certain retired firemen; amending Laws 1935, Chapter 192, Section 1, as amended, by adding a subdivision.

Referred to the Committee on Governmental Operations.

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. Laufenburger from the Committee on Employment, to which were referred the following appointments as reported in the Journal for January 6, 1977:

PUBLIC EMPLOYMENT RELATIONS BOARD

Don Bye

Peter Obermeyer

Joseph Flynn

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

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

Mr. Laufenburger from the Committee on Employment, to which was referred the following appointment as reported in the Journal for January 6, 1977:

BUREAU OF MEDIATION SERVICES DIRECTOR

Ernest H. Jones

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. Chenoweth from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 6, 1977:

STATE EMPLOYEES SUGGESTION BOARD

Robert Elcan

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. Chenoweth from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 6, 1977:

STATE OFFICE OF HEARING EXAMINERS CHIEF HEARING EXAMINER

Duane R. Harves

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 Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 10, 104, 69 and 232, makes the following report:

That S. F. Nos. 10, 104 and 69 be placed on the General Orders Calendar.

That S. F. No. 232 be made a special order for immediate consideration at the end of the order of business of motions and resolutions on Thursday, Feb. 24, 1977.

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 250: A bill for an act relating to the Gillette hospital board; board membership; amending Minnesota Statutes 1976, Section 250.05, Subdivision 2.

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 296: A bill for an act relating to medical assistance for needy persons; providing for limits on types, costs and frequency of medical services; amending Minnesota Statutes 1976, Section 256B.04, by adding a subdivision.

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 321: A bill for an act relating to health; permitting certain nursing homes to require and accept certain payments from residents; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

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

Page 2, line 15, after "home" insert "*with more than 325 beds including at least 150 licensed nursing home beds and*"

Page 3, line 2, strike the period and insert "; and"

Page 3, after line 2 insert

"(5) *was in compliance with provisions (1) through (4) as of June 30, 1976.*

Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

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

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

S. F. No. 114: A bill for an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

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

Page 1, line 14, strike "*in the town where the*"

Page 1, line 15, strike "*highway is located*"

Page 1, line 18, after the period, insert "*Ten days posted notice of the meeting shall also be given in the town where the highway is located.*"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 250, 296, 321 and 114 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that the name of Mr. Olhoft be added as co-author to S. F. No. 21. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Frederick be added as co-author to S. F. No. 44. The motion prevailed.

Mr. Schaaf moved that the names of Messrs. Coleman, Johnson, Borden and Keefe, S. be added as co-authors to S. F. No. 350. The motion prevailed.

Mr. Ashbach moved that the names of Messrs. Davies and Moe be added as co-authors to S. F. No. 401. The motion prevailed.

Mr. Solon moved that the name of Mr. Olhoft be added as co-author to S. F. No. 406. The motion prevailed.

Mr. Spear moved that the name of Mr. Sikorski be added as co-author to S. F. No. 455. The motion prevailed.

Mr. Laufenburger moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 218. The motion prevailed.

Mr. Lewis moved that the name of Mr. Solon be added as co-author to S. F. No. 487. The motion prevailed.

Mr. Tennessen moved that the report from the Committee on Commerce, reported February 22, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Tennessen moved that in accordance with the report from the Committee on Commerce, reported February 22, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

PUBLIC SERVICE COMMISSION

Richard J. Parish, 2565 Vale Crest Road, Golden Valley, Hennepin County, effective June 1, 1976, for a term, expiring January 2, 1980.

The motion prevailed. So the appointment was confirmed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 232, a Special Order to be heard immediately.

S. F. No. 232: A bill for an act relating to unemployment compensation; redefining "base period"; redefining "wages" for contribution purposes; changing contribution rates; providing for charging of benefits; increasing weekly benefits; redefining "credit week"; providing for disqualification for benefits; providing a penalty; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 2, 25 and 29; 268.06, Subdivisions 5 and 8; 268.07, Subdivision 2; 268.08, Subdivision 1; 268.09; and 268.18, Subdivision 3.

Mr. Frederick moved to amend S. F. No. 232 as follows:

Page 17, after line 23, insert:

"Sec. 10. Minnesota Statutes 1976, Section 268.06, Subdivision 27, is amended to read:

Subd. 27. [METHOD OF PAYMENT BY POLITICAL SUBDIVISION TO FUND.] Effective January 1, 1974, a political subdivision or instrumentality thereof is hereby authorized and directed to pay its obligations under subdivision 25 by moneys collected from taxes or other revenues. Each and every political subdivision authorized to levy taxes may include in its tax levy the amount necessary to pay such obligations. If the taxes authorized to be levied under this subdivision cause the total amount of taxes levied to exceed any limitation whatsoever upon the power of a political subdivision to levy taxes, such political subdivision may levy taxes in excess of the limitations in such amounts as is necessary to meet its obligation under subdivision 25. The expenditures authorized to be made under subdivision 25 shall not be included in computing the cost of government as defined in any home rule charter of any city affected thereby. The governing body of a municipality, for the purpose of meeting its liabilities under subdivision 25, in the event of a deficit, may issue its obligations payable in not more than two years, in an amount which may cause its indebtedness to exceed any statutory or charter limitations, without an election, and may levy taxes to pay therefor in the manner provided in section 475.61. *The obligations incurred under subdivision 25, of any political subdivision or instrumentality thereof which are attributable to employees who are separated under a disqualifying condition as defined in section 268.09 and who subsequently requalify for unemployment compensation benefits shall not be an obligation of that political subdivision or instrumentality thereof but shall be the obligation of the state of Minnesota.*"

Re-number the sections accordingly

Page 17, line 25, strike "and 9" and insert "9, and 10"

Further amend the title as follows:

Page 1, line 8, after "penalty;" insert "imposing an obligation on the state;"

Page 1, line 11, strike "and"

Page 1, line 12, after "3" insert "; and 268.06, Subdivision 27"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	Renneke	Ueland, A.
Bang	Frederick	Knutson	Sieloff	Ulland, J.
Bernhagen	Jensen	Merriam	Sillers	

Those who voted in the negative were:

Anderson	Gunderson	Lewis	Perpich	Staples
Benedict	Hughes	Luther	Pillsbury	Stokowski
Brataas	Humphrey	McCutcheon	Purfeerst	Stumpf
Chenoweth	Johnson	Menning	Schmitz	Tennesen
Chmielewski	Keefe, S.	Nelson	Schrom	Vega
Coleman	Kleinbaum	Nichols	Setzepfandt	Wegener
Davies	Knoll	Olhoft	Sikorski	Willet
Dieterich	Laufenburger	Olson	Solon	
Gearty	Lessard	Penny	Spear	

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

Mr. Jensen moved to amend S. F. No. 232 as follows:

Page 7, line 17, restore the stricken language

Page 7, lines 19 to 27, strike the new language.

Further amend the title as follows:

Page 1, line 5, strike "increasing weekly"

Page 1, line 6, strike "benefits;"

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

Mr. Renneke moved to amend S. F. No. 232 as follows:

Page 10, line 11, restore the stricken language

Page 10, lines 11 through 14, strike the new language

Page 10, line 17, strike the new punctuation and restore the stricken language

Page 10, line 18, restore "discharged for misconduct"

Page 10, line 19, restore "connected with his work or for misconduct which"

Page 10, line 20, restore the stricken language

Page 10, line 21, restore "found by the commissioner,"

Page 10, line 27, restore "which"

Page 10, line 28, restore the stricken language

Page 10, line 29, restore "employment" and insert a period after "employment"

Page 11, lines 16 through 25, restore the stricken language

Page 11, strike lines 26 through 32

Page 12, lines 1 through 26, strike the new language

Page 12, line 27, strike "(4)"

Page 12, line 28, strike the entire line

Page 12, line 29, strike "foregoing clauses"

Page 12, line 29, strike the new language

Page 12, line 29, strike "or"

Page 12, line 30, strike "his" and insert "*an individual's*"

Page 13, line 1, strike "from whose employment such individual separated or"

Page 13, line 2, strike "; provided that this clause"

Page 13, lines 3 and 4, strike all the language on both lines except the period

Page 13, line 5, restore "4" and strike "*Subd. 2.*"

Page 13, lines 6 through 8, strike the new language

Page 13, lines 14 through 18, restore the stricken language

Page 13, lines 18 and 19, strike the new language

Page 14, line 11, restore the stricken "5" and strike "*Subd. 3.*"

Page 16, lines 1 through 8, restore the stricken language

Page 16, strike lines 9 through 13

Page 16, lines 14 through 19, restore the stricken language

Page 16, line 20, restore "3" and strike "5"

Page 16, line 24, restore "4" and strike "6"

Page 16, strike lines 27 through 31

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 45, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Keefe, J.	Renneke	Sillers
Bang	Jensen	Knutson	Sieloff	Ueland, A.

Those who voted in the negative were:

Anderson	Gearty	Lessard	Penny	Spear
Benedict	Gunderson	Lewis	Pillsbury	Staples
Borden	Hughes	Luther	Purfeerst	Stokowski
Brataas	Humphrey	McCutcheon	Schaaf	Stumpf
Chenoweth	Johnson	Menning	Schmitz	Tennessee
Chmielewski	Keefe, S.	Merriam	Schrom	Ulland, J.
Coleman	Kleinbaum	Nelson	Setzpfandt	Vega
Davies	Knoll	Olhoft	Sikorski	Wegener
Dieterich	Laufenburger	Olson	Solon	Willet

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

S. F. No. 232 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 56 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Pillsbury	Stokowski
Ashbach	Gearty	Lessard	Purfeerst	Stumpf
Bang	Gunderson	Lewis	Renneke	Tennessee
Benedict	Hughes	Luther	Schaaf	Ueland, A.
Bernhagen	Humphrey	McCutcheon	Schmitz	Ulland, J.
Borden	Jensen	Menning	Schrom	Vega
Brataas	Johnson	Nelson	Setzepfandt	Wegener
Chenoweth	Keefe, J.	Nichols	Sieloff	Willet
Chmielewski	Keefe, S.	Ogdahl	Sikorski	
Coleman	Kleinbaum	Olhoft	Sillers	
Davies	Knoll	Olson	Solon	
Dunn	Knutson	Penny	Staples	

Messrs. Dieterich, Merriam and Spear voted in the negative.

So the bill passed and its title was agreed to.

THIRD READING OF SENATE BILLS

S. F. No. 51: A bill for an act relating to elections; election officers; procedures for counting ballots; recounts in legislative races on request; prohibiting certain public meetings and school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; 204A.39, Subdivision 2; 204A.41; 204A.51, Subdivisions 2 and 3; 204A.53, Subdivisions 2 and 3; 204A.54, Subdivision 1; 206.026, Subdivision 5; 206.03; 206.075; 206.19, Subdivision 1; 206.23; 207.11; 207.19, Subdivision 1; and Chapter 204A, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 5:00 o'clock p.m., Monday, February 28, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETEENTH DAY

St. Paul, Minnesota, Monday, February 28, 1977

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Jeannette Piccard.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Kirchner, Nichols and Pillsbury were excused from the Session of today.

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed by the Secretary of the Senate: Interstate Port Authority Commission, Final Report, 1976; Impact of Fluctuating School Enrollments on Minnesota's Educational System, Final Report, 1977; State Board of Investment, Prospectus Minnesota Supplemental Retirement Fund, 1976; Department of Personnel, Summary of Training and Development Activities for fiscal 1975-76; Minnesota Department of Natural Resources, Biennial Report, 1976-77; University of Minnesota, Program for Vocational Technical Education Facility, 1976; Commerce Department, Annual Report, 1976; Minnesota Higher Education Coordinating Board, Southwest Study, 1976; Commission on Minnesota's Future, 1977; Metropolitan Transit Commission, Bus Service Expansion Program, Progress Report,

1977; Minnesota Department of Health, Division of Health Manpower, Summary of Health-Related Regulatory Boards' Reports, 1976; Department of Public Welfare, Plan for Chemical Dependency Programs; Commissioner of Public Safety, Recommendations for Mandatory Bicycle Registration, 1977; Teachers Retirement Association, Forty-fifth Annual Report of the Board of Trustees, July 1, 1975 through June 30, 1976; Arrowhead Regional Development Commission, Annual Report, 1976; Iron Range Resources and Rehabilitation Board, Biennial Report, 1974-76; Minnesota State Ethical Practices Board, Annual Report, 1975-76; Department of Administration, Management Services Division, Licensing Boards and Host Departments, 1976; Department of Administration, Division of Procurement, Annual Report on Small Business Procurement Act; Department of Revenue, Biennial Report, Fiscal years 1975-76; Department of Corrections, Annual Report; Department of Corrections, Plan to Reduce and Relocate Inmates of Security Hospital and State Prison; Department of Finance, Quarterly Financial Report; State Board of Health, Development of Health Maintenance Organization; Pollution Control Agency, Continuing Operation of Recycling Program, 1974-77; University of Minnesota, Facilities Report for School of Nursing and College of Pharmacy, 1977.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Anderson, Wegener, Dunn, Strand and Willet introduced—

S. F. No. 501: A bill for an act relating to high voltage transmission lines; authorizing the landowner to elect to have a different amount of land condemned if his property is crossed by more than one line; amending Minnesota Statutes 1976, Section 116C.63.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Anderson, Wegener, Lessard, Strand and Dunn introduced—

S. F. No. 502: A bill for an act relating to eminent domain; authorizing payment in installments with interest; amending Minnesota Statutes 1976, Section 117.231.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. McCutcheon, Stumpf, Spear, Dieterich and Schaaf introduced—

S. F. No. 503: A bill for an act relating to taxation; requiring payment of sales tax on isolated sales of boats and snowmobiles;

amending Minnesota Statutes 1976, Sections 297A.25, Subdivision 1; 297B.01, Subdivision 5; and 361.03, Subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kleinbaum introduced—

S. F. No. 504: A bill for an act relating to St. Cloud state university; appropriating money for designing and planning an addition to Halenbeck Hall.

Referred to the Committee on Education.

Messrs. Sillers and Kleinbaum introduced—

S. F. No. 505: A bill for an act relating to retirement; teachers retirement association; authorizing the purchase of out of state teaching service; amending Minnesota Statutes 1976, Section 354.09, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Setzepfandt, Frederick, Olson, Schrom and Hanson introduced—

S. F. No. 506: A bill for an act relating to taxation; extending the tax credit for feedlot pollution control equipment and providing for a carryback and carryover of the credit from one year to another; exempting feedlot pollution control equipment under certain conditions from the sales and use tax; amending Minnesota Statutes 1976, Sections 290.06, Subdivision 9a; and 297A.25, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lewis, Chenoweth, Ogdahl and Knoll introduced—

S. F. No. 507: A bill for an act relating to public welfare; licensing and regulating social workers; establishing the board of social work examiners; appropriating money; amending Minnesota Statutes 1976, Section 214.01, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam, Knoll and Keefe, J. introduced—

S. F. No. 508: A bill for an act relating to criminal convictions; providing for the setting aside of certain convictions and the protection of criminal records; amending Minnesota Statutes 1976, Section 609.166.

Referred to the Committee on Judiciary.

Messrs. Milton, Spear, Vega and Mrs. Staples introduced—

S. F. No. 509: A bill for an act relating to human rights; prohibiting discrimination on the basis of chemical dependency treatment; amending Minnesota Statutes 1976, Section 363.03.

Referred to the Committee on Judiciary.

Messrs. Humphrey, Knoll, Sikorski and Spear introduced—

S. F. No. 510: A bill for an act relating to human rights; prohibiting discrimination against students in housing; amending Minnesota Statutes 1976, Sections 363.03, Subdivision 2; and 363.12, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Schrom, Chmielewski, Merriam, Sillers and Kleinbaum introduced—

S. F. No. 511: A bill for an act relating to education; school taxes; expanding the definition of the maximum effort debt service levy required of certain school districts; amending Minnesota Statutes 1976, Section 124.38, Subdivision 7.

Referred to the Committee on Education.

Messrs. Kleinbaum, Humphrey and Sillers introduced—

S. F. No. 512: A bill for an act relating to education; defining high potential children; increasing aids for certain enrichment programs; appropriating money.

Referred to the Committee on Education.

Messrs. Olhoff, Merriam, Dieterich, Peterson and Sillers introduced—

S. F. No. 513: A bill for an act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.13, Subdivision 9; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lewis, Coleman, McCutcheon, Kirchner and Ogdahl introduced—

S. F. No. 514: A bill for an act relating to victims of crime;

directing the commissioner of corrections to establish victim crisis centers; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. McCutcheon, Ogdahl, Vega, Ashbach and Stokowski introduced—

S. F. No. 515: A bill for an act relating to commerce; requiring the licensing of builders; requiring bonds and insurance.

Referred to the Committee on Commerce.

Messrs. McCutcheon, Schaaf and Borden introduced—

S. F. No. 516: A bill for an act relating to search warrants; authorizing issuance upon oral request; amending Minnesota Statutes 1976, Chapter 626, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Frederick, Kirchner, Kleinbaum, Purfeerst and Ashbach introduced—

S. F. No. 517: A bill for an act relating to appropriations; appropriating money to the historical society for the purpose of restoring the ruins of Wasioja Seminary in Dodge county.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Jensen, McCutcheon and Knutson introduced—

S. F. No. 518: A bill for an act relating to highway traffic regulations; violations; creating a rebuttable presumption that a motor vehicle involved in a violation was driven by the owner when the driver is not otherwise identified.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Schaaf; Johnson and Nelson introduced—

S. F. No. 519: A bill for an act relating to elections; establishing voter registration in all counties; changing required voter registration information; providing for reports of changes; amending Minnesota Statutes 1976, Sections 201.021; 201.061, Subdivisions 3 and 6; 201.071; 201.091, Subdivision 6, and by adding a subdivision; 201.14; 201.15; and Chapter 201, by adding a section; repealing Minnesota Statutes 1976, Section 201.061, Subdivision 2.

Referred to the Committee on Elections.

Messrs. Setzepfandt, Strand, Menning and Bernhagen introduced—

S. F. No. 520: A bill for an act relating to natural resources;

requiring preparation of a comprehensive fiscal plan as a condition of further expenditures in development of the Luce Line Trail.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bang, Setzepfandt, Frederick, Lewis and Schaaf introduced—

S. F. No. 521: A bill for an act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

Referred to the Committee on Transportation.

Messrs. Bang, Benedict, Olson, McCutcheon and Sillers introduced—

S. F. No. 522: A bill for an act relating to watersheds; providing for the issuance of county bonds to pay the cost of watershed district improvements; amending Minnesota Statutes 1976, Section 112.60, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bang, McCutcheon, Mrs. Brataas, Mr. Ogdahl and Mrs. Staples introduced—

S. F. No. 523: A bill for an act relating to licensed occupations; providing for licensing and regulation of tax preparers by the commissioner of revenue; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Lewis, McCutcheon, Vega and Stumpf introduced—

S. F. No. 524: A bill for an act relating to taxation; providing for delayed assessment of multifamily residential improvements and new construction; amending Minnesota Statutes 1976, Chapter 273, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Willet, Setzepfandt and Bernhagen introduced—

S. F. No. 525: A bill for an act relating to highway traffic regulations; littering; providing for a reward for information resulting in the arrest and conviction of litterers; providing penalties; ap-

appropriating money; amending Minnesota Statutes 1976, Section 169.42, Subdivision 5, and by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Johnson, Setzepfandt and Bernhagen introduced—

S. F. No. 526: A bill for an act relating to game and fish; permitting the use of tip-ups; amending Minnesota Statutes 1976, Section 101.42, Subdivision 20.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson introduced—

S. F. No. 527: A bill for an act relating to civil service; providing that promotion and place of service are separate considerations; amending Minnesota Statutes 1976, Section 43.19, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Olhoft introduced—

S. F. No. 528: A bill for an act relating to public welfare; authorizing the release of data maintained by the department of employment services to the department of public welfare; amending Minnesota Statutes 1976, Chapter 256, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Menning, Nichols, Renneke, Willet and Setzepfandt introduced—

S. F. No. 529: A bill for an act relating to waters; appropriation and use of waters; priorities; amending Minnesota Statutes 1976, Section 105.41, Subdivision 1a.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olhoft, Strand, Willet, Dunn and Luther introduced—

S. F. No. 530: A bill for an act relating to used motor oil recycling; requiring certain collection facilities or the posting of certain informational lists; requiring registration of used motor oil haulers.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Schrom, Merriam, Kleinbaum, Dunn and Wegener introduced—

S. F. No. 531: A bill for an act relating to education; teachers; providing certain grounds for discharge of a continuing contract teacher; amending Minnesota Statutes 1976, Section 125.12, Subdivision 8.

Referred to the Committee on Employment. Mr. Hughes questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Kleinbaum, Mrs. Brataas, Messrs. Vega, Lewis and Pillsbury introduced—

S. F. No. 532: A bill for an act relating to financial institutions; modifying the maximum interest rate that may be charged on certain loans; making the method of determination of such rates permanent; amending Minnesota Statutes 1976, Section 47.20, Subdivision 4.

Referred to the Committee on Commerce.

Messrs. Ogdahl, Purfeerst, Laufenburger and Anderson introduced—

S. F. No. 533: A bill for an act relating to the state building code; extending its application to all municipalities and new buildings; authorizing municipalities to adopt and enforce building maintenance codes; clarifying state agency rulemaking regarding building code subject matter; clarifying appeals to the commissioner; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; and 16.863.

Referred to the Committee on Energy and Housing.

Messrs. Willet and Moe introduced—

S. F. No. 534: A bill for an act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; preempting local licensing and bonding requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 1, 4, 8, 13, 16, 22, 24 and by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Hughes, Coleman, Anderson, Sillers and Lewis introduced—

S. F. No. 535: A bill for an act relating to education; early childhood and family education; establishing programs and providing state aid therefor; appropriating money; amending Minnesota Statutes 1976, Section 124.17, Subdivision 1, and by adding a subdivision; and Chapter 124, by adding sections.

Referred to the Committee on Education.

Messrs. Knutson and Vega introduced—

S. F. No. 536: A bill for an act relating to Independent School District No. 196 (Rosemount) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 196 and annexed to Independent School District No. 194.

Referred to the Committee on Education.

Messrs. Knutson and Purfeerst introduced—

S. F. No. 537: A bill for an act relating to Independent School District No. 721 (New Prague) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 721 and annexed to Independent School District No. 194.

Referred to the Committee on Education.

Messrs. McCutcheon, Sikorski and Hughes introduced—

S. F. No. 538: A bill for an act relating to taxation; increasing the size of land classified as a homestead; amending Minnesota Statutes 1976, Sections 290.0601, Subdivision 5; and 290A.03, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf; Dieterich; Keefe, S. and Solon introduced—

S. F. No. 539: A bill for an act relating to welfare; increasing the state share of welfare costs; appropriating money; amending Minnesota Statutes 1976, Sections 252.27, Subdivision 1; 256.82; 256.871, Subdivision 6; 256B.19, Subdivision 1; 256D.03, Subdivisions 2 and 3; 256D.22; 256D.36, Subdivision 1; 256D.37, Subdivision 1; 260.251, Subdivision 1a; 261.23; and 261.233.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Stumpf, Spear, Vega, Solon and Chenoweth introduced—

S. F. No. 540: A bill for an act relating to education; school districts; increasing aids and providing certain benefits for programs of education of the handicapped; providing funds for declining enrollments, adult education, transportation of additional pupils, mandated desegregation and certain employee contributions; appropriating money; amending Minnesota Statutes 1976, Sections 124.17, Subdivision 1; 124.223; and 124.32, Subdivisions 1, 1a and 1b.

Referred to the Committee on Education.

Messrs. Knutson, Gearty and Bang introduced—

S. F. No. 541: A bill for an act relating to the operation of state

government; authorizing value analysis of certain department of transportation construction projects; establishing procedures for implementing value analysis change proposals.

Referred to the Committee on Transportation.

Mrs. Staples; Messrs. Ueland, A.; Lewis; Benedict and Borden introduced—

S. F. No. 542: A bill for an act relating to education; appropriating money to expand nursing education programs at Mankato state university.

Referred to the Committee on Education.

Messrs. Vega, McCutcheon, Knutson and Engler introduced—

S. F. No. 543: A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

Referred to the Committee on Transportation.

Messrs. Vega; Solon; Keefe, S. and Laufenburger introduced—

S. F. No. 544: A bill for an act relating to public employment labor relations; clarifying and revising the powers and duties of the director of the bureau of mediation services and the public employment relations board; authorizing the director to decertify exclusive representatives and to clarify or amend appropriate bargaining units; exempting the public employment relations board from the administrative procedure act; authorizing the public employment relations board to obtain administrative services and staff subject to appropriation, and to issue notices, subpoenas and orders; revising the criteria for determining appropriate units; authorizing the appeal of certain decisions by the public employment relations board to the supreme court; revising the compensation of arbitrators; eliminating the independent review of grievances; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 179.61; 179.62; 179.63, Subdivisions 1, 6, 8, 9, 9a, 10, 11, 13, 14 and 17; 179.64, Subdivision 7; 179.65, Subdivisions 1, 2 and 6; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivisions 1, 4, 5, 6, 14, and by adding a subdivision; 179.68; 179.69, Subdivisions 1 and 2; 179.70, Subdivision 1; 179.71, Subdivisions 2, 3, 4 and 5; 179.72, Subdivisions 1, 3, 4, 6 and 7; 179.74, Subdivisions 2 and 4; repealing Minnesota Statutes 1976, Section 179.76.

Referred to the Committee on Employment.

Mr. Sieloff and Mrs. Brataas introduced—

S. F. No. 545: A bill for an act relating to taxation; providing an inflation adjustment for income subject to income tax; amend-

ing Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nichols, McCutcheon, Johnson, Willet and Dunn introduced—

S. F. No. 546: A bill for an act relating to children; damage done by a child; altering amount of parental liability; amending Minnesota Statutes 1976, Section 540.18, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Keefe, S. introduced—

S. F. No. 547: A bill for an act relating to taxation; limiting the property tax payable on class 3d property; appropriating money; amending Minnesota Statutes 1976, Section 273.13, Subdivision 19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson; Merriam; Keefe, J.; Milton and Nelson introduced—

S. F. No. 548: A bill for an act relating to courts; authorizing periodic payment plans for damage awards in certain cases; defining terms.

Referred to the Committee on Judiciary.

Messrs. Lewis; Sikorski; Keefe, J.; Nelson and Knoll introduced—

S. F. No. 549: A bill for an act relating to civil actions; awarding costs and attorney fees in certain actions.

Referred to the Committee on Judiciary.

Messrs. Anderson, Merriam, Sieloff, Nelson and Mrs. Staples introduced—

S. F. No. 550: A bill for an act relating to civil actions; providing for the admission of evidence in certain negligence actions.

Referred to the Committee on Judiciary.

Messrs. Lewis, Setzepfandt, Knutson, Mrs. Staples and Mr. Sillers introduced—

S. F. No. 551: A bill for an act relating to civil actions; providing for the admissibility of evidence and competency of witnesses in certain negligence actions.

Referred to the Committee on Judiciary.

Mr. Anderson, Mrs. Staples, Messrs. Knutson, Milton and Lesard introduced—

S. F. No. 552: A bill for an act relating to medicine; standard of care in the medical and allied professions.

Referred to the Committee on Judiciary.

Messrs. Milton; Johnson; Spear; Keefe, S. and Mrs. Staples introduced—

S. F. No. 553: A bill for an act relating to the aging; appropriating money for the retired senior volunteer program.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Olhoft introduced—

S. F. No. 554: A bill for an act relating to retirement; annuitants of the public employees retirement association holding public office; effect on annuity; amending Minnesota Statutes 1976, Section 353.37, Subdivision 1.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of S. F. No. 141. The motion prevailed.

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

S. F. No. 332: A bill for an act relating to taxation; exempting certain square dance admissions from sales taxation; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Page 8, after line 17, insert:

“Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*”

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

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

S. F. No. 141: A bill for an act relating to highway traffic regulations; prohibiting the manufacture, sale or purchase of certain equipment, and the installation or use thereof in motor vehicles; providing for the seizure, confiscation and disposition thereof; prescribing penalties; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.473] [RADAR DETECTION DEVICES.] *Subdivision 1. [DEFINITION.] For the purpose of this section the words “radar detection device” mean any device or equipment designed or manufactured for the purpose of detecting radar or other speed analyzing devices utilized in highway traffic law enforcement.*

Subd. 2. [OPERATING VEHICLE CONTAINING DEVICE; PENALTY.] Any person who operates a motor vehicle containing a radar detection device in the passenger compartment or other compartment accessible from the passenger compartment on any street or highway shall be guilty of a petty misdemeanor.

Subd. 3. [SALE OR DISTRIBUTION OF DEVICE.] Any person who distributes, sells, offers for sale or possesses with intent to offer for sale or distribution within this state, any radar detection device shall be guilty of a misdemeanor. Possession of three or more radar detection devices shall be deemed evidence of intent to sell or distribute in violation of this section.”

Amend the title as follows:

Page 1, strike lines 3 to 6 and insert “defining “radar detection device”; prohibiting operation of a motor vehicle with a radar detection device in the passenger compartment; prohibiting sale or distribution of radar detection devices;”

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

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

S. F. No. 267: A bill for an act relating to taxation; defining “common carrier” for certain purposes in connection with the sales and use tax; amending Minnesota Statutes 1976, Section 297A.01, by adding a subdivision.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 297A.211, Subdivision 1, is amended to read:

297A.211 [COMMON CARRIERS AS RETAILERS.] *Subdivision 1. Every person, as defined in this chapter, who is engaged in the transportation of property as a common carrier in interstate*

commerce interstate for-hire transportation of tangible personal property by motor vehicle may at their option, under rules and regulations prescribed by the commissioner, register as retailers and pay the taxes imposed by this chapter in accordance with this section. Persons referred to herein are: (1) persons possessing a certificate or permit authorizing for-hire transportation of property from the Interstate Commerce Commission or the Minnesota Public Service Commission; or (2) persons transporting commodities defined as "exempt" in for-hire transportation in interstate commerce; or (3) persons who, pursuant to contracts with persons described in clauses (1) or (2) above, transport tangible personal property in interstate commerce. Persons qualifying under clauses (2) and (3) must maintain on a current basis the same type of mileage records that are required by persons specified in clause (1) by the Interstate Commerce Commission.

Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Further amend the title as follows:

Page 1, line 5, strike "297A.01, by adding a subdivision" and insert "297A.211, Subdivision 1"

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

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

S. F. No. 339: A bill for an act relating to taxation; repealing obsolete references to a tax on money and credits; repealing Minnesota Statutes 1976, Chapter 285.

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

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

S. F. No. 290: A bill for an act relating to banks; amending the charter application appeals provisions; amending Minnesota Statutes 1976, Section 45.07.

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

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

S. F. No. 183: A bill for an act relating to franchises; amending Minnesota Statutes 1976, Sections 80C.01, Subdivision 4; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

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

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

S. F. No. 147: A bill for an act relating to commerce; limiting deficiency judgments in consumer transactions; restricting waiver of garnishment exemptions; amending Minnesota Statutes 1976, Section 550.37, Subdivision 4.

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 65: A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2, 3 and 4; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivision 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.13, Subdivision 1; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

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

Page 5, strike lines 10 to 29

Page 5, line 31, strike "5" and insert "4"

Page 5, line 31, strike "13" and insert "12"

Page 6, line 2, after "*institution*" and before the period insert "*or released from a state correctional institution pursuant to sections 9 or 10*"

Page 6, line 19, strike "*8 of this act*" and insert "7"

Page 6, line 21, strike "*9 of*" and insert "8."

Page 6, strike line 22

- Page 6, line 30, strike "10" and insert "9"
- Page 6, line 31, strike "11 of this act" and insert "10"
- Page 7, line 28, strike "10 of this" and insert "9."
- Page 7, strike line 29
- Page 8, line 1, strike "9 of this act" and insert "8"
- Page 9, line 1, strike "10 of this act" and insert "9"
- Page 9, line 3, strike "may be removed only" and insert "shall serve at the pleasure of the commissioner"
- Page 9, line 4, strike "for cause"
- Page 9, line 8, strike "10 of this act" and insert "9"
- Page 10, line 2, after "with" insert "reintegrational,"
- Page 10, line 7, strike "year" and insert "two years"
- Page 10, line 17, after the first "to" insert a comma
- Page 11, lines 11 and 27, strike "97" and insert "98"
- Page 11, lines 16 and 18, strike "1979" and insert "1978"
- Page 11, lines 21, 23, and 25, strike "authority" and insert "board"
- Page 11, line 30, strike "99" and insert "100"
- Page 12, lines 3, 5, and 14, strike "99" and insert "100"
- Page 12, lines 9 and 12, strike "1979" and insert "1978"
- Page 13, line 20, strike "three" and insert "two"
- Page 15, line 2, strike "of this act"
- Page 15, line 25, strike "10" and insert "9"
- Page 15, line 26, strike "11 of this act" and insert "10"
- Page 16, line 30, strike "superme" and insert "supreme"
- Page 17, line 29, strike the second "of"
- Page 17, line 30, strike "this act"
- Page 18, lines 1 and 12, strike the first "5" and insert "4"
- Page 18, lines 1 and 13, strike "of this act"
- Page 18, line 20, after "time" insert "before or after the effective date of this section"
- Page 18, line 23, strike "clause" and insert "clauses (b) and"
- Page 18, line 24, after "occurred" insert "at any time before or after the effective date of this section and occurred"
- Page 18, after line 25 insert
- "Sec. 19. [PROBATION; REVOCATION.] *If the court places*

on probation a defendant who has been convicted of a felony, the period of probation may not exceed one half of the sentence provided by statute for the offense of which the defendant has been convicted. If the probation is subsequently revoked, and sentence is imposed or executed, the statutory sentence for the felony of which the defendant has been convicted shall be reduced by twice the number of days the defendant was on probation prior to committing the act giving rise to the revocation of probation."

Page 18, line 30, after the period insert "Except for consecutive sentences imposed pursuant to section 609.10, subdivision 2, an extended term of imprisonment may not be imposed if the defendant is being sentenced for multiple offenses and consecutive sentences are imposed for the multiple offenses."

Page 19, line 28, strike the first "5" and insert "4"

Page 19, line 29, strike "of this act"

Page 20, line 2, after "occurred" insert "at any time before or after the effective date of this section and occurred"

Page 20, line 4, after "imposed" and before the comma, insert "under the provisions of clauses (3) (a) or (b)"

Page 20, after line 8, insert "If an extended term of imprisonment is imposed under the provisions of clause (3) (c), the court shall impose a sentence of up to two years for each prior felony conviction of the defendant, in addition to the statutory sentence for the felony for which the defendant is presently being sentenced."

Page 21, line 31, after the first "to" insert "one-half of the"

Page 21, line 31, after "or" insert "up"

Page 21, line 32, strike "payment of a fine of"

Page 21, line 32, strike "imprisonment"

Page 22, line 1, strike "or"

Page 22, line 5, strike the second "of"

Page 22, line 6, strike "this act"

Page 23, line 26, strike "rape or sodomy" and insert "criminal sexual conduct in the first or second degree"

Page 29, line 1, strike "intercourse" and insert "penetration"

Page 29, line 1, after "section" insert "609.341, subdivision 12."

Page 29, strike lines 2 and 3

Page 29, line 27, strike "have" and insert "engage in"

Page 29, line 28, strike "intercourse or to commit sodomy" and insert "penetration"

Page 29, line 30, strike "sexual" and insert "prostitution"

Page 29, line 31, strike "intercourse or sodomy"

Page 30, lines 15 and 17, strike "intercourse or sodomy" and insert "penetration"

Page 36, line 20, strike "or naval"

Page 36, line 22, strike the second "or"

Page 36, line 23, strike "naval"

Page 39, after line 18, insert

"Sec. 59. Minnesota Statutes 1976, Section 609.466 is amended to read:

609.466 [MEDICAL ASSISTANCE FRAUD.] Any person who, with the intent to defraud, presents a claim for reimbursement, a cost report or a rate application, relating to the payment of medical assistance funds pursuant to chapter 256B, to the state agency, which is false in whole or in part, is guilty of an attempt to commit theft of public funds and may *shall* be sentenced accordingly."

Page 40, line 29, strike "shall"

Page 40, lines 29 and 30, restore the stricken language

Page 51, line 22, after "is" insert "at least"

Page 63, line 9, strike "Subdivision" and insert "Subdivisions 4 and"

Page 63, line 9, after the first semicolon insert "241.045; 242.24;"

Page 63, line 10, strike "609.13, Subdivision 1;"

Page 63, strike lines 12 and 13

Page 63, line 14, strike "3" and insert "2"

Page 63, line 17, strike "97" and insert "98"

Page 63, line 19, strike "13" and insert "12"

Page 63, lines 20 and 22, strike "98" and insert "99"

Page 63, line 22, after "effective" insert "the"

Page 63, strike lines 23 and 24

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after "2" strike the comma and insert "and"

Page 1, line 10, strike "and 4"

Page 1, line 22, after "609.465;" insert "609.466;"

Page 1, line 36, strike "Subdivision" and insert "Subdivisions 4 and"

Page 1, line 38, strike "609.13, Subdivision 1;"

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

SECOND READING OF SENATE BILLS

S. F. No. 339 was read the second time.

S. F. Nos. 332, 267, 290, 183 and 147 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Schmitz moved that the name of Mr. Knutson be added as co-author to S. F. No. 81. The motion prevailed.

Mr. Keefe, S. moved that his name be added as co-author to S. F. No. 429. The motion prevailed.

Mr. Merriam moved that the name of Mr. Olhoft be added as co-author to S. F. No. 474. The motion prevailed.

Mr. Sillers moved that the name of Mr. Bang be added as co-author to S. F. No. 488. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, March 3, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTIETH DAY

St. Paul, Minnesota, Thursday, March 3, 1977

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

Prayer was offered by the Chaplain, Rabbi Bernard Raskas.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Benedict, Coleman, Kleinbaum, Laufenburger, Lessard, Merriam, Ogdahl, Purfeerst and Tennessen were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 1, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

This is to inform you that Mr. Robert J. Meyer, 1009 Como Place, St. Paul, Ramsey County, has resigned from the Public Employment Relations Board.

I, therefore, respectfully request that the name of Mr. Meyer be removed from Senate consideration.

Sincerely,
Rudy Perpich, Governor

Referred to the Committee on Employment.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Knoll, Lewis, Vega and Gearty introduced—

S. F. No. 555: A bill for an act relating to commerce; providing for state procurement from small business; providing a bonding mechanism for small business; amending Minnesota Statutes 1976, Sections 16.082, by adding a subdivision; and 16.083, Subdivision 2.

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

Messrs. Stokowski; Keefe, S. and Gearty introduced—

S. F. No. 556: A bill for an act relating to Hennepin county; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

Referred to the Committee on Local Government.

Mr. Merriam introduced—

S. F. No. 557: A bill for an act relating to employees; participation in group life insurance and group health care plans; prohibiting certain mandatory participation requirements; providing remedies; amending Minnesota Statutes 1976, Section 62E.03, by adding a subdivision; and Chapter 61A, by adding a section.

Referred to the Committee on Employment.

Messrs. Sieloff, Bernhagen and Menning introduced—

S. F. No. 558: A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Purfeerst introduced—

S. F. No. 559: A bill for an act relating to state lands; authoriz-

ing the conveyance of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Borden, Olhoft, Sikorski, Vega and Strand introduced—

S. F. No. 560: A bill for an act relating to education; requiring school districts to provide special instruction and services for all educable or trainable mentally retarded adults; amending Minnesota Statutes 1976, Section 120.17; and Chapter 120, by adding a section.

Referred to the Committee on Education.

Mr. Merriam introduced—

S. F. No. 561: A bill for an act relating to medical assistance for the needy; nursing homes; conditions for eligibility to receive medical assistance payments; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Wegener, Renneke, Stokowski and Solon introduced—

S. F. No. 562: A bill for an act relating to the practice of chiropractic; prescribing academic requirements for licensure, grounds for disciplinary action, and penalties; amending Minnesota Statutes 1976, Sections 148.06, Subdivision 1; and 148.10, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, S.; Spear; Keefe, J.; Luther and Dieterich introduced—

S. F. No. 563: A bill for an act relating to taxation; imposing a property tax on residential leasehold interests; amending Minnesota Statutes 1976, Sections 273.13, by adding a subdivision; 274.01, Subdivision 1; 278.01; 290A.03, Subdivisions 8 and 13; 290A.04, Subdivision 1; 290A.05; 290A.07, Subdivision 2; 290A.09; 290A.10; and 290A.19; and Chapter 276, by adding a section; repealing Minnesota Statutes 1976, Section 290A.03, Subdivisions 11 and 12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth, Luther, Spear, Stokowski and Keefe, J. introduced—

S. F. No. 564: A bill for an act relating to labor; prohibiting minors from keeping accounts and collecting bills without adult

supervision; amending Minnesota Statutes 1976, Chapter 181A, by adding a section.

Referred to the Committee on Employment.

Messrs. Schaaf; Keefe, J. and Lewis introduced—

S. F. No. 565: A bill for an act relating to the attorney general; creating an office of bond counsel; restricting the use of private bond counsels by state agencies and political subdivisions; prescribing duties; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Laufenburger, Chmielewski, Wegener, Engler and Schmitz introduced—

S. F. No. 566: A bill for an act relating to natural resources; drainage; providing for transfer by county boards of certain surplus ditch funds to another governing body taking over the drainage system; amending Minnesota Statutes 1976, Section 106.471, Subdivision 6.

Referred to the Committee on Local Government. Mr. Olson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Willet introduced—

S. F. No. 567: A bill for an act relating to Beltrami county; tax forfeited lands; disposition of the net proceeds from the sale or rental of such lands or from the sale of any products therefrom; increasing the amount that may be expended for promotion of tourist, agricultural, and industrial developments; amending Laws 1967, Chapter 558, Section 1, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegener introduced—

S. F. No. 568: A bill for an act relating to highway traffic regulations; exempting trucks engaged in hauling hay from certain weight restrictions during a specified period of time.

Referred to the Committee on Transportation.

Mr. Moe introduced—

S. F. No. 569: A bill for an act relating to Norman county; validating certain funds transfers.

Referred to the Committee on Local Government.

Messrs. Keefe, S.; Solon; Sikorski and Dieterich introduced—

S. F. No. 570: A bill for an act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association; providing protection for policy-owners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota; amending Minnesota Statutes 1976, Sections 60B.17, by adding a subdivision; 60B.25; 60B.30, by adding a subdivision; and 60B.46, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Humphrey, Stokowski and Dieterich introduced—

S. F. No. 571: A bill for an act relating to education; extending school services for handicapped children; amending Minnesota Statutes 1976, Section 120.17, Subdivisions 1 and 2.

Referred to the Committee on Education.

Messrs. Borden, Merriam, Penny, Sikorski and Setzepfandt introduced—

S. F. No. 572: A bill for an act relating to credit unions; authority of state chartered credit unions; amending Minnesota Statutes 1976, Section 52.04.

Referred to the Committee on Commerce.

Messrs. Schaaf, Wegener, Olhoft, Davies and Peterson introduced—

S. F. No. 573: A bill for an act relating to taxation; imposing a gross earnings tax on certain utility companies in lieu of ad valorem taxes; establishing an electric utilities revenue account; prescribing penalties for failure to file reports or make payments; providing exemptions from taxation; providing for distribution of taxes; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Chmielewski and Engler introduced—

S. F. No. 574: A bill for an act relating to taxation; providing that amounts paid as social security taxes be excluded from gross income for purposes of income tax calculations; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Laufenburger, Sieloff and Davies introduced—

S. F. No. 575: A bill for an act relating to insurance; authorizing certain insurers to reinsure certain kinds of risks through

pooling arrangements or otherwise; amending Minnesota Statutes 1976, Section 60A.06, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Sieloff, Bernhagen, Engler and Benedict introduced—

S. F. No. 576: A bill for an act relating to taxation; providing for a deduction from gross income for expenditures for solar energy devices according to a prescribed amortization period; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Sieloff, Benedict, Bang and Ogdahl introduced—

S. F. No. 577: A bill for an act relating to taxation; increasing the amount of rent considered to constitute property taxes for purposes of income-adjusted homestead credit; amending Minnesota Statutes 1976, Section 290A.03, Subdivision 11.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Benedict, Bang and Ogdahl introduced—

S. F. No. 578: A bill for an act relating to taxation; providing for optional rent credit amount in lieu of income-adjusted homestead credit; amending Minnesota Statutes 1976, Section 290A.04, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Ogdahl, Mrs. Brataas and Mr. Davies introduced—

S. F. No. 579: A bill for an act relating to taxation; providing that certain income tax credits for contributions may be carried forward; amending Minnesota Statutes 1976, Section 290.21, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff; Ulland, J. and Merriam introduced—

S. F. No. 580: A bill for an act relating to taxation; providing for continuation of property tax classification of homesteads of survivors of disabled persons; amending Minnesota Statutes 1976, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kleinbaum, Laufenburger and Knutson introduced—

S. F. No. 581: A bill for an act relating to insurance; regulat-

ing licensing procedures; amending Minnesota Statutes 1976, Section 60A.17, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Penny, Coleman, Sieloff, Lewis and Purfeerst introduced—

S. F. No. 582: A bill for an act relating to motor vehicle common carriers; reinstating operating authority of certain irregular route common carriers.

Referred to the Committee on Transportation.

Messrs. Solon, Vega, Olhoft, Nelson and Chmielewski introduced—

S. F. No. 583: A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

Referred to the Committee on Commerce.

Messrs. Menning and Olson introduced—

S. F. No. 584: A bill for an act relating to the legislature; establishing an interim study commission on expanded Amtrak passenger train service; appropriating money.

Referred to the Committee on Rules and Administration.

Messrs. Menning, Bernhagen and Hanson introduced—

S. F. No. 585: A bill for an act relating to taxation; providing progressive rates of taxation of corporate income; amending Minnesota Statutes 1976, Section 290.06, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich, Merriam, Coleman and Johnson introduced—

S. F. No. 586: A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plans; amending Minnesota Statutes 1976, Section 60A.08, Subdivision 10.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Sikorski, Spear, Lessard and Keefe, J. introduced—

S. F. No. 587: A bill for an act relating to courts; criminal de-

pendants; providing authority to county courts to order examination of a defendant's mental capacity; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 30.

Referred to the Committee on Judiciary.

Messrs. Tennesen; Spear; Keefe, S. and Coleman introduced—

S. F. No. 588: A bill for an act relating to homeowner's fire and liability insurance; prohibiting the practice known as red-lining; prescribing penalties; amending Minnesota Statutes 1976, Chapter 65A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Johnson; Coleman; Keefe, S.; Ashbach and Gearty introduced—

S. F. No. 589: A bill for an act relating to the secretary of state; authorizing distribution of free legislative manuals; amending Minnesota Statutes 1976, Section 5.08, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Johnson, Willet and Lessard introduced—

S. F. No. 590: A bill for an act relating to taxation; extending benefits of the qualified property tax credit to certain retired persons; amending Minnesota Statutes 1976, Section 273.011, Subdivisions 2 and 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S. F. No. 591: A bill for an act relating to motor vehicles; regulating the business of buying, selling and dealing in motor vehicles; providing for a one day a week closing in lieu of the Sunday closing; providing penalties; amending Minnesota Statutes 1976, Section 168.275.

Referred to the Committee on Commerce.

Messrs. Johnson and Perpich introduced—

S. F. No. 592: A bill for an act relating to taxation; providing for an increase tax levy in certain school districts in which taconite is mined or concentrated; amending Minnesota Statutes 1976, Section 275.125, Subdivision 2a.

Referred to the Committee on Taxes and Tax Laws. Mr. Hughes questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Johnson and Perpich introduced—

S. F. No. 593: A bill for an act relating to taxation; providing an increase tax levy for certain school districts containing taconite lands and plants; amending Minnesota Statutes 1976, Section 275.125, Subdivision 9a.

Referred to the Committee on Education.

Mr. Sikorski, Mrs. Staples, Messrs. Vega and Keefe, S. introduced—

S. F. No. 594: A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding subdivisions; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

Referred to the Committee on Judiciary. Mr. Milton questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Sikorski, Wegener, Kleinbaum, Setzepfandt and Strand introduced—

S. F. No. 595: A bill for an act relating to insurance; changing the filing date for annual statements of township mutual companies; changing limitations on property insurable by township mutual companies; changing limitations on investments by township mutual companies; amending Minnesota Statutes 1976, Sections 67A.11, Subdivision 3; 67A.14, Subdivisions 1 and 5; and 67A.23.

Referred to the Committee on Commerce.

Mr. Solon introduced—

S. F. No. 596: A bill for an act relating to telephone companies; prohibiting charges for directory assistance; amending Minnesota Statutes 1976, Chapter 237, by adding a section.

Referred to the Committee on Commerce.

Messrs. Merriam, Hanson, Dunn, Peterson and Purfeerst introduced—

S. F. No. 597: A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz, Lessard and Frederick introduced—

S. F. No. 598: A bill for an act relating to architects, engineers, surveyors and landscape architects; work performed by persons exempted from licensure requirements; amending Minnesota Statutes 1976, Section 326.03, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Hughes, Mrs. Staples, Messrs. Humphrey, Sikorski and Mrs. Brataas introduced—

S. F. No. 599: A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Hughes; Stumpf; Keefe, S.; Moe and Sillers introduced—

S. F. No. 600: A bill for an act relating to education; trade schools; exempting certain courses in the arts from regulation by the commissioner of education; amending Minnesota Statutes 1976, Section 141.35.

Referred to the Committee on Education.

Messrs. Moe; Menning; Ueland, A.; Sillers and Hanson introduced—

S. F. No. 601: A bill for an act relating to education; school aids; declining enrollment; changing the computation of pupil units in certain districts; amending Minnesota Statutes 1976, Section 124.17, Subdivision 1.

Referred to the Committee on Education.

Messrs. Moe; Menning; Ueland, A.; Sillers and Hanson introduced—

S. F. No. 602: A bill for an act relating to education; school finance; creating a study commission; appropriating money.

Referred to the Committee on Education.

Messrs. Luther; Johnson; Keefe, J. and Sikorski introduced—

S. F. No. 603: A bill for an act relating to the public service commission; confining appeals from its decisions to the record; allowing the commission to appeal adverse decisions of the district court to the supreme court; amending Minnesota Statutes 1976, Section 216.25.

Referred to the Committee on Governmental Operations.

Messrs. Luther, Sikorski, Johnson and Keefe, J. introduced—

S. F. No. 604: A bill for an act relating to public utilities; allowing the public service commission to determine how rates should be spread among different classes of customers; amending Minnesota Statutes 1976, Chapters 216B and 237, by adding sections.

Referred to the Committee on Commerce.

Messrs. Sieloff, Frederick and Engler introduced—

S. F. No. 605: A bill for an act relating to taxation; changing inheritance tax exemptions for surviving spouse and children; amending Minnesota Statutes 1976, Section 291.05.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener, Kleinbaum and Dunn introduced—

S. F. No. 606: A bill for an act relating to the military; financing of armory construction; amending Minnesota Statutes 1976, Sections 193.143; 193.145, Subdivision 2; and 193.146, Subdivision 1; repealing Minnesota Statutes 1976, Section 193.1431.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Wegener, Kleinbaum and Dunn introduced—

S. F. No. 607: A bill for an act relating to the military; abolishing the naval militia and deleting references thereto; correcting other terminology; amending Minnesota Statutes 1976, Sections 190.05, Subdivision 3; 190.06, Subdivision 2; 191.09; 192.26, Subdivision 1; 193.141, Subdivision 1; 193.142; 193.143; 193.1431; 193.145; and 193.36, Subdivision 1; repealing Minnesota Statutes 1976, Chapter 194.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Keefe, S.; Vega; Coleman; Purfeerst and Kirchner introduced—

S. F. No. 608: A bill for an act relating to labor relations; providing for the continuation of certain salary schedules pending the negotiation of new contracts for public employment; amending Minnesota Statutes 1976, Section 179.70, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Vega; McCutcheon; Keefe, S. and Coleman introduced—

S. F. No. 609: A bill for an act relating to taxation; providing

for a credit against income taxes for taxpayers hiring previously unemployed workers; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Vega and Mrs. Staples introduced—

S. F. No. 610: A bill for an act relating to public welfare; establishing a citizens advisory task force on the use of Hastings state hospital; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Vega, Luther, Tennessen, Dieterich and Stumpf introduced—

S. F. No. 611: A bill for an act relating to commerce; prohibiting additional unlawful trade practices; amending Minnesota Statutes 1976, Section 325.8015.

Referred to the Committee on Commerce.

Mr. Willet introduced—

S. F. No. 612: A bill for an act relating to the trunk highway system; adding a new route in substitution of an existing route.

Referred to the Committee on Transportation.

Messrs. Vega, Coleman, Davies and Sieloff introduced—

S. F. No. 613: A bill for an act relating to highway traffic regulation; authorizing the issuance of limited driver's licenses for drivers whose licenses have been suspended or revoked; amending Minnesota Statutes 1976, Section 171.30, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Olhoft, Schaaf, Moe, Kirchner and Borden introduced—

S. F. No. 614: A bill for an act relating to state agencies; setting the mileage allowance for members of boards, councils and commissions; amending Minnesota Statutes 1976, Sections 15.0575, Subdivision 3; 15.059, Subdivision 3; and 214.09, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Hughes, Willet and Knutson introduced—

S. F. No. 615: A bill for an act relating to education; higher education coordinating board; authorizing the board to contract for spaces for Minnesota residents in out of state schools of optometry;

authorizing the board to explore the feasibility of a regional school of optometry; appropriating money.

Referred to the Committee on Education.

Messrs. Keefe, S.; Spear; Solon; Kirchner and Borden introduced—

S. F. No. 616: A bill for an act relating to the disposition of unclaimed property; changing certain definitions; changing the length of time unclaimed property must be held before disposition; changing certain disposition procedures; amending Minnesota Statutes 1976, Sections 345.31, Subdivisions 3 and 6; 345.32; 345.33; 345.35; 345.37; 345.39; 345.41; 345.47; and Chapter 345, by adding sections; repealing Minnesota Statutes 1976, Section 55.14.

Referred to the Committee on Commerce.

Messrs. Spear, Dieterich and McCutcheon introduced—

S. F. No. 617: A bill for an act relating to the university of Minnesota; conferring university of Minnesota peace officers with limited powers of arrest; governing the operation and parking of vehicles upon property owned, leased or occupied by the regents of the university of Minnesota; amending Minnesota Statutes 1976, Section 137.12; 169.123, Subdivision 1; 169.965, Subdivision 1; 626.05, Subdivision 2; 626A.01, Subdivision 7; and Chapter 626, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Milton; Luther; Coleman; Keefe, S. and Stumpf introduced—

S. F. No. 618: A bill for an act relating to public health; health related licensing boards; requiring reexamination for relicensing of persons licensed by health related licensing boards; amending Minnesota Statutes 1976, Section 214.12.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Lewis, Milton, Johnson, Kirchner and Perpich introduced—

S. F. No. 619: A bill for an act relating to the operation of state government; establishing a department of health and social services; transferring duties and powers; abolishing the departments of corrections and health; prescribing salaries; appropriating money; amending Minnesota Statutes 1976, Sections 3.755; 15.01; 15A.081, Subdivision 1; 15.46; 16A.72; 43.09, Subdivision 2a; 62D.02, Subdivision 3; 116C.03, Subdivision 2; 144.05; 144.053, Subdivisions 1, 3, and 4; 144.176, Subdivision 3; 144.422, Subdivisions 6, 9, and 10; 144.424, Subdivisions 10 and 11; 144.425; 144.53; 144.571; 144.696, Subdivision 2; 144A.01, Subdivision 2;

144A.05; 144A.10, Subdivisions 1, 3, and 8; 144A.19, Subdivision 1; 144A.52, Subdivisions 1, 2, and 3; 144A.53, Subdivisions 1 and 4; 144A.54, Subdivision 2; 144.652, Subdivision 1; 144.691, Subdivision 4; 144.692; 144.693; 145.411, Subdivision 3; 145.72, Subdivision 5; 145.74; 145.75; 145.76, Subdivision 1; 145.78; 145.892, Subdivision 10; 145.896; 146.14; 146.20; 214.04, Subdivision 1; 214.06, Subdivision 1; 214.07; 214.13; 214.14; 241.01, Subdivision 1; 241.045, Subdivisions 1 and 3a; 241.08, Subdivisions 1 and 2; 241.09, Subdivisions 1 and 2; 241.10; 241.13; 241.15; 241.251, Subdivision 5; 241.31, Subdivision 6; 241.41; 241.42, Subdivision 2; 242.02; 242.09; 242.14; 242.19, Subdivision 2; 242.21; 242.25; 242.29; 242.37; 242.385, Subdivision 1; 242.46, Subdivisions 1, 2, and 3; 245.03; 245.0311; 245.65, Subdivision 2; 245.75; 245.782, Subdivision 8; 246.01; 246.14; 246.15, Subdivision 1; 246.16, Subdivisions 1 and 2; 246.18; 246.28; 246.33, Subdivision 1; 246.43, Subdivisions 1, 2, 7, 8, 9, 10, and 12; 246.50, Subdivision 2; 246.59, Subdivisions 2, 3, and 4; 246.60; 251.043, Subdivision 1; 251.16; 252.31; 252A.02, Subdivision 3; 252A.04, Subdivision 4; 253.20; 253A.02, Subdivisions 12 and 22; 253A.14, Subdivision 1; 254A.02, Subdivision 13; 256.01, Subdivision 2; 256.12, Subdivision 19; 256.482, Subdivision 1; 256.736, Subdivisions 2, 3, 4, 5, and 7; 256.74, Subdivisions 1 and 2; 256.93, Subdivisions 1 and 2; 256.94; 256.96; 256.965; 256.971; 256.975, Subdivisions 1 and 2; 256B.51, Subdivisions 1 and 2; 257.42; 259.21, Subdivision 5; 259.261, Subdivisions 1 and 3; 376.29; 376.423; 376.50, Subdivision 3; 376.52; 376.62; 376.65; 376.66; 462A.03, Subdivision 7; 473.149, Subdivision 4; Laws 1976, Chapters 305, Section 2; and 327, Section 2; repealing Minnesota Statutes 1976, Sections 15.45, Subdivision 3; 15.47; 144.01; 144.02; 144.03; 144.04; 144.13; 241.01, Subdivisions 2 and 4; 242.03; 245.04; 245.05; 245.06; 245.07; 246.15, Subdivision 2; 246.32, Subdivision 4; 253.201; 256.01, Subdivisions 1, 5, 6, 7, 9, and 10; 256.02; 256.05; 256.06; 256.07; 256.08; 256.09; and 256.10.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Chmielewski, Anderson, Ashbach, Lewis and Sikorski introduced—

S. F. No. 620: A bill for an act relating to sheriffs; salaries, fees and budgets; providing that the salary and budget of the sheriff shall be set by the county board in each county of the state; authorizing costs and reasonable attorney fees on appeal; amending Minnesota Statutes 1976, Section 387.20, Subdivisions 2 and 7; repealing Minnesota Statutes 1976, Section 387.20, Subdivisions 1, 4, and 8.

Referred to the Committee on Local Government.

Mr. Perpich introduced—

S. F. No. 621: A bill for an act relating to education; state aids; providing aid to school districts on account of decreased assessed valuation.

Referred to the Committee on Education.

Messrs. Setzepfandt, Strand, Renneke and Olhoft introduced—

S. F. No. 622: A bill for an act relating to liquefied petroleum gas pipelines; minimum depth in certain areas; landowners liability; amending Minnesota Statutes 1976, Chapter 299F, by adding a section.

Referred to the Committee on Transportation.

Messrs. Nichols, Renneke, Setzepfandt and Strand introduced—

S. F. No. 623: A bill for an act relating to education; authorizing transportation aid for adjacent school districts engaged in a joint educational program; amending Minnesota Statutes 1976, Section 124.223.

Referred to the Committee on Education.

Messrs. Luther, Milton, Solon and Merriam introduced—

S. F. No. 624: A bill for an act relating to public health; requiring nurses to take throat cultures for the detection of infection; appropriating money; amending Minnesota Statutes 1976, Section 145.085, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 16, 38, 235, 437, 511 and 114.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 16: A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

Referred to the Committee on Commerce.

H. F. No. 38: A bill for an act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051, by adding a subdivision.

Referred to the Committee on Energy and Housing.

H. F. No. 235: A bill for an act relating to agriculture; soy-bean research and promotion council; powers of the commissioner of agriculture and the council; providing for an increase in fees and specifying the uses thereof; amending Minnesota Statutes 1976, Sections 21A.01; 21A.05; 21A.06; 21A.09; 21A.12; 21A.16, Subdivision 2; 21A.19, Subdivision 1; and Chapter 21A, by adding a section; repealing Minnesota Statutes 1976, Section 21A.18.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 437: A bill for an act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.13, Subdivision 9; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 511: A bill for an act relating to the state transportation system; correcting conditions of a bond authorization; amending Laws 1976, Chapter 339, Section 3.

Referred to the Committee on Transportation.

H. F. No. 114: A bill for an act relating to intoxicating liquor; regulation and taxation of liquor sold in commemorative bottles; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 15; 340.44; and 340.601.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

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

Mr. Gearty from the Committee on Elections, to which were referred the following appointments as reported in the Journal for January 6, 1977:

ETHICAL PRACTICES BOARD

Mrs. Connie Burchett

Roger Noreen

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

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

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

S. F. No. 99: A bill for an act relating to Wabasha county; authorizing the sale of Buena Vista sanitarium after rejection of bids.

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

Page 1, line 9, after the comma insert "the"

Page 1, line 9, after "county" insert "board of commissioners"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S. F. No. 218: A bill for an act relating to municipalities; procedures required for the letting of certain contracts; amending Minnesota Statutes 1976, Section 471.345, Subdivisions 3, 4 and 5.

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

Page 2, after line 16, add:

"Sec. 4. This act is effective on the day following its final enactment."

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 86: A bill for an act relating to real property; registration of title thereto; providing for changes in the persons who may register land and in the contents of the application for registration; permitting the registration of appurtenant easements over unregistered land and establishing procedures for such registration; changing the period during which the application shall constitute notice; changing the period for appeal from a final decree and establishing a period for appeal to the supreme court from an order of the district court made after the original registration of land; providing that money judgments may be filed on certificates of title only when the judgment debtor has a registered interest therein; prescribing fees of the registrar for the assurance fund; clarifying the limitation on recovery from the assurance fund; amending Minnesota Statutes 1976, Sections 508.03; 508.04; 508.06; 508.11; 508.23; 508.29; 508.63; 508.74; and 508.78.

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

Page 10, strike lines 27 to 32

Page 11, strike lines 1 to 5

Amend the title as follows:

Page 1, line 18, strike "clarifying the limitation on"

Page 1, line 19, strike "recovery from the assurance fund;"

Page 1, line 21, after "508.63;" insert "and"

Page 1, line 21, strike the last semicolon and insert a period

Page 1, strike line 22

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

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

S. F. No. 305: A bill for an act relating to intoxicating liquor; expiration date of municipal licenses; repealing Minnesota Statutes 1976, Section 340.11, Subdivision 16.

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

Line 8, strike "repealed" and insert "amended to read:

Subd. 16. [EXPIRATION DATE.] All intoxicating liquor licenses issued by a municipality *other than a city of the first class*, except manufacturers' and wholesalers' licenses, shall expire on the same date."

Amend the title as follows:

Line 3, strike "repealing" and insert "amending"

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

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

S. F. No. 271: A bill for an act relating to highway traffic regulations; motorcycle equipment for operators and passengers; amending Minnesota Statutes 1976, Section 169.974, Subdivision 4.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 169.974, Subdivision 2, is amended to read:

Subd. 2. [LICENSE REQUIREMENTS.] No person shall operate a motorcycle on any street or highway unless he has a valid

standard driver's license with a two-wheeled vehicle endorsement as provided by law. No such two-wheeled vehicle endorsement shall be issued unless the person applying therefor has in possession a valid two-wheeled vehicle instruction permit as provided herein, has passed a written examination and road test administered by the department of public safety for such endorsement, and, in the case of applicants under 18 years of age, shall present a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with such regulations as the commissioner of public safety shall promulgate. A two-wheeled vehicle instruction permit shall be issued to any person over 16 years of age, who is in possession of a valid driver's license, who is enrolled in an approved two-wheeled vehicle driver's safety course, and who has passed a written examination for such permit and has paid such fee as the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction permit shall be effective for 45 days, and may be renewed under rules to be prescribed by the commissioner of public safety.

No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

- (a) Carry any passengers on the streets and highways of this state on the motorcycle which he is operating;
- (b) Drive the motorcycle at night time;
- (c) Drive the motorcycle on a freeway;
- (d) *Drive the motorcycle without wearing protective headgear of a type approved by the commissioner of public safety.*

Notwithstanding the provisions of this subdivision, the commissioner of public safety may, however, issue a special motorcycle permit, restricted or qualified in such manner as he shall deem proper, to any person demonstrating a need therefor and unable to qualify for a standard driver's license.

Sec. 2. Minnesota Statutes 1976, Section 169.974, Subdivision 4, is amended to read:

Subd. 4. [EQUIPMENT FOR OPERATORS AND PASSENGERS.] (a) When operating a motorcycle on the streets and highways of this state, the operator and or passenger, if any if *below the age of 18*, shall wear protective headgear that complies with standards established by the commissioner of public safety; and no person shall operate a motorcycle unless he is wearing an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a wind screen.

(b) The provisions of this subdivision shall not apply to persons during their participation in a parade for which parade a permit or other official authorization has been granted by a local governing body or other governmental authority or to persons riding within an enclosed cab.

Sec. 3. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Further amend the title as follows:

Page 1, line 5, strike "Subdivision" and insert "Subdivisions 2 and"

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

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

S. F. No. 102: A bill for an act relating to the town of Thomson in Carlton county; authorizing a special tax levy for certain purposes.

Reports the same back with the recommendation that the report from the Committee on Local Government shown in the Journal for February 10, 1977 that "when so amended the bill do pass" be adopted. Amendment adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, makes the following report:

That Rule 57 of the temporary rules of the Senate appearing in the Journal for the first day, as amended by the Senate on February 15, 1977, be amended by striking "20" after "Taxes and Tax Laws" and inserting "21." Amendment adopted. Report adopted.

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

S. F. No. 170: A bill for an act relating to political subdivisions; regulating certain interests in contracts by public officials; amending Minnesota Statutes 1976, Section 471.88, Subdivisions 2, 5, and 8.

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

Page 2, line 11, strike "\$3,000" and insert "\$5,000"

Page 2, line 16, strike "\$3,000" and insert "\$2,000"

Page 2, after line 18, insert:

"Sec. 4. *This act is effective the day following final enactment.*"

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

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

S. F. No. 291: A bill for an act relating to labor; prohibiting certain employer practices; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

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

Page 1, strike lines 15 and 16 and insert "*the employee's job performance.*"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 223: A bill for an act relating to deaf persons; providing that deaf persons with guide dogs have the same rights and protection as blind persons with guide dogs; amending Minnesota Statutes 1976, Sections 256C.02; 256C.025, Subdivision 4; 256C.03; 290.09, Subdivision 10; and 327.095.

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

Page 2, line 21, strike "*or deaf*"

Page 2, line 23, after "dog" insert "*, or totally or partially deaf person with a guide dog identified with a burnt orange collar or leash,*"

Page 3, line 4, after "*clauses*" insert "(4)"

Page 3, line 29, after "harnessed" insert "*or leashed*"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "*defining as a deductible medical expense the cost, feeding and maintenance expenses of guide dogs;*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S. F. No. 32: A bill for an act relating to shade tree disease control; providing for municipal shade tree removal and reforestation programs; providing an appropriation; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7 and 11, and adding subdivisions; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 18.023, Subdivision 1, is amended to read:

18.023 [SHADE TREE DISEASE CONTROL.] Subdivision 1. [DEFINITIONS.] As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398; or any special purpose park district and recreation board organized under the city charter of a city of the first class located in the metropolitan area; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area which ~~makes request to and has consent of the commissioner to come within the provisions of this section~~ *with an approved disease control program.*

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

(e) "Wood utilization or disposal system" means a *facilities, system equipment or systems* used for the removal and disposal of diseased shade trees which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

~~(f) "Subsidy program" means a municipal program of financial assistance to private property owners for the removal of diseased elm and or oak shade trees.~~

~~(g)~~ (f) "Approved disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

~~(h)~~ (g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct a *an approved shade tree disease control program.*

(h) "Sanitation" *means the identification, inspection, disruption of a common root system, girdling, removal and disposal of dead or diseased wood of elm or oak shade trees, including subsidies for trees removed pursuant to subdivision 4, on public or private property within a disease control area.*

(i) "Reforestation" *means the replacement of shade trees removed from public property as part of an approved disease control program. For purposes of this clause, "public property" shall include private property within five feet of the boulevard or street terrace in any city which has enacted an ordinance that prohibits planting of trees in the public right of way.*

Sec. 2. Minnesota Statutes 1976, Section 18.023, Subdivision 1a, is amended to read:

Subd. 1a. [SHADE TREE DISEASE CONTROL PROGRAM; PURPOSE.] The legislature finds that an epidemic of Dutch elm disease and oak wilt disease is occurring in Minnesota which threatens the natural environment. Immediate action is therefore necessary to provide funds to assist local units of government

in the implementation of shade tree disease control programs by *conducting sanitation and reforestation programs*, expanding diseased wood destruction programs, increasing public awareness of shade tree disease, accelerating training of tree inspectors and research for disease prevention and subsidizing private property owners for the removal of diseased elm and oak trees.

Sec. 3. Minnesota Statutes 1976, Section 18.023, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt and ~~from time to time~~ may amend, rules and regulations relating to shade tree disease control in the metropolitan area in accordance with sections 15.0411 to 15.0422 ~~any municipality, as defined in subdivision 1.~~ Such ~~The~~ rules and regulations shall prescribe control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) A definition of shade tree, (b) qualifications for tree inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the treatment and removal of any shade tree which may contribute to the spread of shade tree disease, and *for reforestation of disease control areas*, (f) *approved methods of treatment of shade trees*, and (g) *such* any other matters as shall be determined to be necessary by the commissioner to prevent the spread of shade tree disease and enforce the provisions of this section. In accordance with the rules and regulations adopted by the commissioner, and *After* reasonable notice of inspection, having been given to the an owner of the real property, diseased shade trees shall be removed or treated by the owner of the real property on which such a diseased shade trees ~~are~~ *tree* is located shall remove or treat the tree within a the period of time as may be and in the manner established by the commissioner. In the case *A municipality may assess not more than 50 percent of the expense of treating with an approved method or removing or treating diseased shade trees located on street terraces or boulevards, not more than 50 percent of such expense may be assessed to the abutting properties by the municipality which expense and the assessment shall become a lien on the property. Diseased shade trees which are not removed or treated in compliance with the commissioner's rules shall be declared a public nuisance and removed or treated by approved methods by the municipality which may assess the total expense or any part thereof to the property which and the expense shall become a lien on the property.*

Sec. 4. Minnesota Statutes 1976, Section 18.023, Subdivision 3a, is amended to read:

Subd. 3a. [GRANTS TO MUNICIPALITIES.] (a) The commissioner may, in the name of the state and within the limit of appropriations provided, make grants-in-aid to a municipality with an approved shade tree disease control program for the partial funding of municipal subsidy programs for the removal of diseased shade trees by owners of residential property pursuant to subdivision 4 *sanitation and reforestation programs* .

The commissioner may make grants-in-aid to any city of more than 80,000 population or any special purpose park district organized under the charter of a city of the first class municipality or any non-profit corporation serving a city of the first class or any county having a disease control program approved by the commissioner for the acquisition or implementation of a wood utilization or disposal facilities or equipment or the implementation of wood utilization or disposal systems system.

(b) The commissioner shall promulgate rules for the administration of grants authorized by this subdivision. The rules shall establish and contain as a minimum:

- (1) Procedures for grant applications;
- (2) Conditions and procedures for the administration of grants;
- (3) Criteria of eligibility for grants including, but not limited to, those specified in this subdivision; and
- (4) Such other matters as the commissioner may find necessary to the proper administration of the grant program.

(c) Grants-in-aid payments for wood utilization and disposal facilities, equipment and systems and grants for public subsidy programs made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the facility equipment or system or municipal subsidy program, or both. Grants to any municipality for sanitation shall not exceed 50 percent of sanitation costs approved by the commissioner. Grants to municipalities for reforestation shall not exceed the lesser of 50 percent of the cost or \$40 multiplied by the number of trees planted pursuant to the reforestation program and shall be limited for any municipality in any year to grants for not more than one half the number of trees removed in the sanitation program in the previous year; provided that reforestation grants to municipalities with a population of less than 5000 according to the 1970 census shall not be limited to one half the number of trees removed in the sanitation program the previous year and shall not exceed the lesser of 60 percent of the cost or \$40 multiplied by the number of trees planted pursuant to the reforestation program. For purposes of this subdivision, "cost" shall not include either any amount assessed as a special assessment or the value of a gift or dedication of trees required by a municipal ordinance.

(d) Based upon estimates submitted by the municipality to the commissioner, which shall state the estimated costs of sanitation and reforestation in the succeeding quarter under an approved program, the commissioner shall direct quarterly advance payments to be made by the state to the municipality commencing March 1, 1977. The commissioner shall direct adjustment of any overestimate in a succeeding quarter. A municipality may elect to receive the proceeds of its sanitation and reforestation grants on a periodic cost reimbursement basis.

(d) (e) A municipality city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, which

has received the consent of the commissioner to come within the provisions of Laws 1975, Chapter 253 may receive grants authorized by this subdivision, and may submit an application for a grant authorized by this subdivision concurrently with its request for inclusion approval of a disease control program.

Sec. 5. Minnesota Statutes 1976, Section 18.023, Subdivision 4, is amended to read:

Subd. 4. [SUBSIDIES TO PRIVATE PROPERTY OWNERS.]
(a) A municipality may provide subsidies to owners of private residential property owners and to cemeteries, however organized, for the approved treatment or removal of diseased shade trees provided; however, that the cost to the municipality for providing such subsidies shall be within the limitations set forth in sections 275.50 to 275.56.

(b) Notwithstanding any law to the contrary, an owner of property on which shade trees are located may contract with a municipality to provide protection against the cost of approved treatment or removal of diseased shade trees or shade trees that will contribute to the spread of shade tree diseases. Under such contracts, the municipality shall pay for the removal or approved treatment under such terms and conditions as may be determined by the governing body of the municipality.

Sec. 6. Minnesota Statutes 1976, Section 18.023, Subdivision 7, is amended to read:

Subd. 7. [FINANCING.] (a) A municipality may collect the amount assessed against the property under subdivision 2 as a special assessment and may issue obligations as provided in section 429.101, subdivision 1, provided that a municipality as its option make any assessment levied payable with interest in installments not to exceed five years from the date of the assessment.

(b) After a contract for the removal or treatment sanitation of trees on private property has been let, or the work commenced, the municipality may issue obligations to defray the expense of any such work financed by special assessments imposed upon private property. Section 429.091 shall apply to such obligations with the following modifications:

(1) Such obligations shall be payable not more than five years from the date of issuance; and

(2) No election shall be required.

Obligations issued under the provisions of this clause shall not be considered bonded indebtedness for the purposes of section 273.13, subdivisions 6 and 7. The certificates shall not be included in the net debt of the issuing municipality.

Sec. 7. Minnesota Statutes 1976, Section 18.023, Subdivision 8, is amended to read:

Subd. 8. [DEPOSIT OF PROCEEDS IN SEPARATE FUND.]
The proceeds of any tax levied, assessments and interest collected,

or any bonds or certificates of indebtedness issued under subdivisions 6 and subdivision 7 and section 11 of this act, and any grants received under subdivision 3a, shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Sec. 8. Minnesota Statutes 1976, Section 18.023, is amended by adding a subdivision to read:

Subd. 10a. The commissioner may establish experimental programs for sanitation or treatment of shade tree diseases. The commissioner may make grants to municipalities, or enter into contracts with municipal, state or federal agencies in connection with experimental shade tree programs.

Sec. 9. Minnesota Statutes 1976, Section 18.023, Subdivision 11, is amended to read:

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each succeeding year, the commissioner shall report to the legislature on the preceding year's plans and approved disease control programs which have been implemented for shade tree diseases in the metropolitan area and any experimental programs conducted pursuant to subdivision 10a.

Sec. 10. Minnesota Statutes 1976, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [REGULATIONS AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal,

equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, regulations or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of this chapter for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste and location of hazardous waste disposal facilities. A regulation or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated site to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 11. Minnesota Statutes 1976, Section 275.50, is amended by adding a subdivision to read:

Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws 1974, Chapter 108, commencing with the levy made in 1976, payable in 1977. A governmental subdivision may make a supplementary levy in 1977, payable in 1978, for all costs of implementing section 18.023 incurred in calendar year 1977 for which a levy was not made in 1976, payable in 1977. For the

purpose of calculating the tax levy limit base under section 275.51, for levy year 1977, taxes payable 1978, there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 112 percent of the amount levied under section 18.023 in levy year 1975, taxes payable 1975, and included in the levy limit base of the governmental subdivision as a result of Laws 1975, Chapter 437.

Sec. 12. Notwithstanding any other law to the contrary, the procedures and rules set forth in the order of the commissioner of agriculture dated and filed with the secretary of state, by and given a document number by the secretary of state, shall be valid and enforceable rules of the commissioner of agriculture for purposes of Minnesota Statutes, Sections 15.0411 to 15.0422, without further act or deed of the commissioner, with respect to grants to municipalities for reforestation and sanitation during the period between the day following final enactment of this act and either September 1, 1977, or the effective date of the amended rules to be promulgated pursuant to section 3 of this act, whichever occurs first.

Sec. 13. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the commissioner of agriculture the following amounts for the following purposes, for the period from January 1, 1977 to June 30, 1978:

- (a) For grants for sanitation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a \$20,000,000*
- (b) For grants for reforestation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a 4,000,000*
- (c) For grants-in-aid for wood utilization and disposal systems pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a 900,000*
- (d) For public information 260,000*
- (e) For experimental programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 10a.. 337,100*
- (f) For administration 321,023*

The commissioner shall not make grants for sanitation and reforestation for wood utilization and disposal systems in excess of 67 percent of the amounts specified in clauses (a) through (c) to the municipalities located within the metropolitan area, as defined in section 18.023, subdivision 1.

Subd. 2. There is appropriated from the general fund to the university of Minnesota the following amounts for the following purposes, for the period from January 1, 1977 to June 30, 1978:

- (a) For research by the agricultural experimental station, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10 221,000*

(b) For continuing education and training by the agricultural extension service, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10. 441,900

Subd. 3. The sum of \$1,213,000 is appropriated from the general fund to the commissioner of natural resources for the expenses of sanitation of diseased shade trees on lands which the commissioner administers within 1,000 feet of any municipality with an approved disease control program and within camp sites, picnic areas, waysides and parking areas.

This appropriation is in lieu of all other appropriations to the commissioner of natural resources for the same purposes for the period from January 1, 1977 to June 30, 1978.

Subd. 4. The appropriations in this section shall expire July 1, 1978, notwithstanding section 16A.28 or other law.

Sec. 14. [REPEALER.] Minnesota Statutes 1976, Section 18.023, Subdivision 6, is repealed.

Sec. 15. [EFFECTIVE DATE.] This act is effective January 1, 1977."

Amend the title as follows:

Line 2, strike "providing" and insert "authorizing grants"

Line 4, strike "providing an appropriation;" and insert "authorizing a shade tree disease control research program; appropriating money;"

Line 6, after "7" insert ", 8"

Line 7, strike "subdivisions" and insert "a subdivision"

Line 7, before "and" insert "116.07, Subdivision 4;"

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 76, 40, 296, 70, 201, 166, 200, 254, 188, 183, 290 and H. F. No. 12, makes the following report:

That S. F. No. 40 be re-referred to the Committee on Finance.

That S. F. Nos. 76, 296, 70, 201, 166, 200, 254, 188, 183 and 290 be placed on the General Orders Calendar.

That H. F. No. 12 be placed on the General Orders Calendar.

That there were no other bills before the subcommittee on which floor action was requested.

Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S. F. Nos. 316, 324, 326, 328, 343, 345, 348, 364, 375, 386, 453 and 461 reports the same back with the recommendation that the bills be re-referred as follows:

S. F. No. 316 to the Committee on Elections.

S. F. No. 324 to the Committee on General Legislation and Veterans affairs.

S. F. Nos. 326, 343, 345, 375 to the Committee on Governmental Operations.

S. F. No. 461 to the Committee on Judiciary.

S. F. Nos. 348, 364, 386 to the Committee on Local Government.

S. F. No. 328 to the Committee on Rules and Administration.

S. F. No. 453 to the Committee on Taxes and Tax Laws.

Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 99 and 223 were read the second time.

S. F. Nos. 218, 86, 305, 271, 170, 291 and 102 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Borden, for the Committee on Rules and Administration, moved to amend Senate Resolution No. 6, as amended by the Senate on February 15, 1977, a Senate resolution relating to standing committees, shown in the Journal for the first day, as follows:

Taxes and Tax Laws (29) 21

Add: Sieloff

The motion prevailed. So the resolution was amended.

Mr. Menning moved that the name of Mr. Hanson be added as co-author to S. F. No. 79. The motion prevailed.

Mr. Schaaf moved that the names of Messrs. Luther, Humphrey and Olson be added as co-authors to S. F. No. 100. The motion prevailed.

Mr. McCutcheon moved that the name of Mr. Stumpf be added as co-author to S. F. No. 468. The motion prevailed.

Mr. Sillers moved that the name of Mr. Solon be added as co-author to S. F. No. 488. The motion prevailed.

Mr. Johnson moved that the name of Mr. Lessard be added as co-author to S. F. No. 526. The motion prevailed.

Mr. Olhoff moved that the name of Mr. Strand be added as co-author to S. F. No. 554. The motion prevailed.

Mr. Borden, for the Committee on Rules and Administration, moved to amend Senate Resolution No. 3 adopted Tuesday, January 4, 1977 establishing Senate employees' positions and salaries as shown in the Journal of the first day as follows:

In the "Researcher" classification under the heading "salary per day" strike the "2" before "\$45.90" and insert "1", and insert "1 @ \$34.25" following "2 @ \$30.14"

The question was taken on the adoption of the amendment to the resolution.

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

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Peterson	Stokowski
Ashbach	Gearty	Lewis	Pillsbury	Strand
Bang	Gunderson	Luther	Renneke	Stumpf
Bernhagen	Hanson	McCutcheon	Schaaf	Ueland, A.
Borden	Hughes	Menning	Schmitz	Ulland, J.
Brataas	Humphrey	Milton	Sieloff	Vega
Chmielewski	Jensen	Nelson	Sikorski	Willet
Davies	Johnson	Nichols	Sillers	
Dieterich	Keefe, J.	Olhoft	Solon	
Dunn	Kirchner	Penny	Spears	
Engler	Knoll	Perpich	Staples	

The motion prevailed. So the resolution was amended.

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

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

Dolores Stendahl, Stenographer I classification, effective February 24, 1977

Manuel Romero, Page classification, effective February 14, 1977

Gail Waldron, Researcher classification, effective February 28, 1977

George Meinz, transferred from Page classification to Clerk I classification

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

CONSENT CALENDAR

S. F. No. 339: A bill for an act relating to taxation; repealing obsolete references to a tax on money and credits; repealing Minnesota Statutes 1976, Chapter 285.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knoll	Penny	Solon
Ashbach	Gearty	Knutson	Perpich	Spear
Bang	Gunderson	Lewis	Peterson	Staples
Bernhagen	Hanson	Luther	Pillsbury	Stokowski
Borden	Hughes	McCutcheon	Renneke	Strand
Brataas	Humphrey	Menning	Schaaf	Stumpf
Chmielewski	Jensen	Milton	Schmitz	Ueland, A.
Davies	Johnson	Nelson	Setzepfandt	Ulland, J.
Dieterich	Keefe, J.	Nichols	Sieloff	Vega
Dunn	Keefe, S.	Olhoff	Sikorski	Wegener
Engler	Kirchner	Olson	Sillers	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S. F. No. 10 which the committee recommends to pass.

Also S. F. Nos. 104 and 69, which the committee recommends to pass with the following amendments offered by Messrs. Johnson and Sieloff:

Mr. Johnson moved to amend S. F. No. 104 as follows:

Page 2, lines 2 and 3, strike "the day following final enactment" and insert "upon approval by the board of county commissioners of Cook county and upon compliance with Minnesota Statutes, Section 645.021"

Mr. Sieloff moved to amend S. F. No. 69 as follows:

Page 1, line 15, strike the comma

Page 2, line 6, after "*enactment*" and before the period insert "*and shall apply to all consents to an adoption executed on or after that date*"

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Borden moved that the Senate do now adjourn until 11:00 o'clock a. m., Monday, March 7, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FIRST DAY

St. Paul, Minnesota, Monday, March 7, 1977

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rabbi Bernard Raskas.

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

Anderson	Frederick	Laufenburger	Perpich	Staples
Ashbach	Gearty	Lessard	Peterson	Stokowski
Bang	Gunderson	Lewis	Pillsbury	Strand
Benedict	Hanson	Luther	Purfeerst	Stumpf
Bernhagen	Hughes	McCutcheon	Renneke	Tennessee
Borden	Humphrey	Menning	Schaaf	Ueland, A.
Brataas	Jensen	Merriam	Schmitz	Ulland, J.
Chenoweth	Johnson	Moe	Schrom	Vega
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Wegener
Coleman	Keefe, S.	Nichols	Sieloff	Willet
Davies	Kirchner	Ogdahl	Sikorski	
Dieterich	Kleinbaum	Olhoff	Sillers	
Dunn	Knoll	Olson	Solon	
Engler	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. Milton was excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Solon, Nelson, Humphrey, Willet and Luther introduced—

S. F. No. 625: A bill for an act relating to employment services; authorizing the summer employment of young persons for state and local service; appropriating money.

Referred to the Committee on Employment.

Messrs. Willet, Johnson, Borden and Peterson introduced—

S. F. No. 626: A bill for an act relating to taxation; providing for reduced assessment classification and homestead treatment of certain resort property; amending Minnesota Statutes 1976, Section 273.13, Subdivisions 4 and 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski, Engler, Benedict, Setzepfandt and Schrom introduced—

S. F. No. 627: A bill for an act relating to public indebtedness; interest rates on obligations and special assessments; amending Minnesota Statutes 1976, Sections 429.061, Subdivision 2; and 475.55, Subdivision 1.

Referred to the Committee on Commerce. Mr. Wegener questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Schmitz introduced—

S. F. No. 628: A bill for an act relating to counties; extension of compliance date for county official controls; amending Minnesota Statutes 1976, Section 394.312.

Referred to the Committee on Local Government.

Messrs. Keefe, S.; Milton; Tennessen; Renneke and Lewis introduced—

S. F. No. 629: A bill for an act relating to public welfare; establishing home care programs for the needy; appropriating money; amending Minnesota Statutes 1976, Section 256B.51.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam, McCutcheon, Penny, Olhoft and Sillers introduced—

S. F. No. 630: A bill for an act relating to taxation; eliminating the employers excise tax; repealing Minnesota Statutes 1976, Sections 290.031; 290.921; and 290.922.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ulland, J; Frederick; Ashbach and Ogdahl introduced—

S. F. No. 631: A bill for an act relating to taxation; exempting home heating and lighting energy sources from sales taxation; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Merriam, Sikorski and Benedict introduced—

S. F. No. 632: A bill for an act relating to pollution control; prescribing application fees for certain permits issued by the pollution control agency.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stokowski, Strand, Peterson and Renneke introduced—

S. F. No. 633: A bill for an act relating to retirement; state employees; reducing the penalty for early retirement in certain cases; increasing the retirement annuity formula; amending Minnesota Statutes 1976, Sections 352.115, Subdivision 3; and 352.116, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Strand, Renneke, Peterson and Stokowski introduced—

S. F. No. 634: A bill for an act relating to retirement; adjustment in annuities through the adjustable fixed benefit fund; amending Minnesota Statutes 1976, Section 11.25, Subdivisions 12 and 13.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Strand, Peterson and Renneke introduced—

S. F. No. 635: A bill for an act relating to retirement; date for payment of monthly annuities and benefits; amending Minnesota Statutes 1976, Chapter 356, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski and Johnson introduced—

S. F. No. 636: A bill for an act relating to education; school year; authorizing the school board to determine the number of days the school is in session; amending Minnesota Statutes 1976, Section 126.12.

Referred to the Committee on Education.

Messrs. Schaaf and Stokowski introduced—

S. F. No. 637: A bill for an act relating to the city of Columbia Heights police department relief association; membership therein; benefits and contributions; membership of certain police personnel in the public employees' police and fire fund.

Referred to the Committee on Governmental Operations.

Messrs. Ueland, A. and Renneke introduced—

S. F. No. 638: A bill for an act relating to public improvements; state university system; Mankato campus consolidation; appropriating money.

Referred to the Committee on Education. Mr. Ueland, A. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Peterson, Strand, Renneke and Stokowski introduced—

S. F. No. 639: A bill for an act relating to retirement; the highway patrolmen's retirement fund; amending Minnesota Statutes 1976, Sections 352B.01, Subdivision 3; 352B.08, Subdivisions 1 and 2; 352B.10; and 352B.11, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Gearty, Benedict, Kirchner and Humphrey introduced—

S. F. No. 640: A bill for an act relating to the county of Hennepin; permitting longer duration contracts for goods and services entered into by the county of Hennepin; amending Laws 1969, Chapter 476, Section 1.

Referred to the Committee on Local Government.

Mr. McCutcheon introduced—

S. F. No. 641: A bill for an act relating to taxation; changing the homestead base value for property tax purposes; amending Minnesota Statutes 1976, Section 273.122, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Schaaf, Lewis and Merriam introduced—

S. F. No. 642: A bill for an act relating to taxation; abolishing the offices of local, city, and county assessors and providing that the commissioner of revenue employ assessors to conduct local assessments; appropriating money; amending Minnesota Statutes 1976, Sections 270.06; 273.01; 273.012, Subdivision 4; 273.03, Subdivision 2; 273.10; 273.121; 273.13, Subdivision 16; 273.17, Subdivision 2; 273.21; 274.01, Subdivision 1; 274.04, Subdivision 2; 274.05, Subdivision 1; 274.10, Subdivision 1; 375.192; 375.23; and 412.081, Subdivision 1; repealing Minnesota Statutes 1976, Sections 270.18; 270.41; 270.42; 270.43; 270.44; 270.45; 270.46; 270.47; 270.48; 270.49; 270.50; 270.51; 270.52; 273.04; 273.05; 273.051; 273.052; 273.053; 273.054; 273.055; 273.056; 273.06; 273.061; 273.062; 273.063; 273.064; 273.065; 273.072; 273.075; 367.05, Subdivision 1; and 412.131.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Merriam, Olhoff, Peterson and Hanson introduced—

S. F. No. 643: A bill for an act relating to taxation; removing reference to payment of salaries of local officers based on assessed valuation of jurisdiction; repealing Minnesota Statutes 1976, Section 273.13, Subdivision 7a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sikorski, McCutcheon and Mrs. Staples introduced—

S. F. No. 644: A bill for an act relating to juveniles; requiring the reference for prosecution as an adult of certain juvenile offenders; establishing the crime of feloniously contributing to the delinquency of a minor; requiring the commissioner of corrections to establish institutional alternatives for juvenile offenders; providing penalties; amending Minnesota Statutes 1976, Sections 260.125; 260.255, Subdivision 1, and by adding a subdivision; 260.261; 260.315; and Chapter 609, by adding a section.

Referred to the Committee on Judiciary. Mr. Perpich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Nelson, Solon, Ogdahl and Mrs. Brataas introduced—

S. F. No. 645: A bill for an act relating to vital statistics; requiring reporting; establishing registration districts; defining terms; providing penalties; repealing Minnesota Statutes 1976, Sections 144.151 to 144.205; 517.071; 517.08, Subdivisions 2 and 3; and 518.001.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olson, Schrom, Lessard, Willet and Bernhagen introduced—

S. F. No. 646: A bill for an act relating to the environment; environmental impact statements; requiring petitioners initiating environmental impact statements to be adult residents or property owners in affected areas; exempting private actions of only local significance; providing that economic considerations be given due consideration; amending Minnesota Statutes 1976, Section 116D.04, Subdivisions 3, 5 and 6.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olson, Schrom, Lessard, Willet and Bernhagen introduced—

S. F. No. 647: A bill for an act relating to the environment; clarifying the burden of proof in environmental rights actions;

providing that economic considerations shall receive due consideration; amending Minnesota Statutes 1976, Sections 116B.04; and 116B.09, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Frederick introduced—

S. F. No. 648: A bill for an act relating to taxation; providing for application of current Internal Revenue Code provisions to state income tax law; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S. F. No. 649: A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' and auditors' bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2; 273.04; 273.05, Subdivisions 1 and 2; 273.06; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederick and Chmielewski introduced—

S. F. No. 650: A bill for an act relating to taxation; establishing progressive rates for the taxation of income of corporations; amending Minnesota Statutes 1976, Section 290.06, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Perpich; Schaaf; Keefe, S.; Stokowski and Lewis introduced—

S. F. No. 651: A bill for an act relating to health; developing standards for safe drinking water; providing penalties; defining terms; amending Minnesota Statutes 1976, Sections 115.71, Subdivision 7; and 144.12, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mrs. Staples, Messrs. Milton, Lewis, Kirchner and Chmielewski introduced—

S. F. No. 652: A bill for an act relating to health care; establish-

ing a program for the care and treatment of hemophiliacs; providing certain financial assistance to hemophiliacs; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Jensen, Davies, Sillers and Sieloff introduced—

S. F. No. 653: A bill for an act relating to crimes and criminals; proceedings on complaint; warrant; amending Minnesota Statutes 1976, Section 629.42.

Referred to the Committee on Judiciary.

Messrs. Vega, Schaaf and Johnson introduced—

S. F. No. 654: A bill for an act relating to taxation; requiring counties and municipalities to defer special assessments on property owned by senior citizens in hardship situations; amending Minnesota Statutes 1976, Section 435.193.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Humphrey and Nelson introduced—

S. F. No. 655: A bill for an act relating to appropriations; providing funding for the continued operation of detached worker programs for assistance to young people.

Referred to the Committee on Employment.

Messrs. Peterson, Renneke, Strand, Stokowski and Ogdahl introduced—

S. F. No. 656: A bill for an act relating to retirement; making judges eligible for combined service annuities; amending Minnesota Statutes 1976, Section 356.30, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Olhoft, Strand, Wegener, Dunn and Schrom introduced—

S. F. No. 657: A bill for an act relating to electric utilities; power plant and high voltage transmission line siting; amending Minnesota Statutes 1976, Sections 116C.53; 116C.55, Subdivisions 2 and 3; 116C.56; 116C.57, Subdivisions 1, 2 and 4; 116C.58; 116C.59, Subdivision 1; 116C.61, Subdivisions 2 and 3; 116C.64; and 116C.66.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ulland, J. and Sieloff introduced—

S. F. No. 658: A bill for an act relating to taxation; exempting mineral water from sales taxation; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Dunn, Purfeerst and Mrs. Brataas introduced—

S. F. No. 659: A bill for an act relating to education; handicapped pupils; providing an exception to the deduction of school aid allowances for certain handicapped children; amending Minnesota Statutes 1976, Section 124.32, Subdivision 1.

Referred to the Committee on Education.

Mr. Pillsbury introduced—

S. F. No. 660: A bill for an act relating to taxation; increasing size of governmental subdivisions exempt from levy limits; amending Minnesota Statutes 1976, Section 275.59.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pillsbury introduced—

S. F. No. 661: A bill for an act proposing an amendment to the Minnesota Constitution, changing Article IV, Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, and 26, Article V, Sections 3 and 5, Article VIII, Section 1, Article IX, Sections 1 and 2, Article XI, Section 5, and repealing Article IV, Section 18; providing for unicameral legislature of limited size elected for staggered terms.

Referred to the Committee on Rules and Administration.

MESSAGES FROM THE HOUSE

Mr. President:

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

House Concurrent Resolution No. 4: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 3, 1977

Mr. Coleman moved that House Concurrent Resolution No. 4 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 21 and 260.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 3, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 21: A bill for an act relating to elections; providing that certificates of election to the legislature be sent to the legislature; amending Minnesota Statutes 1976, Section 204A.54, Subdivision 1.

Referred to the Committee on Elections.

H. F. No. 260: A bill for an act relating to the military; abolishing the naval militia and deleting references thereto; correcting other terminology; amending Minnesota Statutes 1976, Sections 190.05, Subdivision 3; 190.06, Subdivision 2; 191.09; 192.26, Subdivision 1; 193.141, Subdivision 1; 193.142; 193.143; 193.1431; 193.145; and 193.36, Subdivision 1; repealing Minnesota Statutes 1976, Chapter 194.

Referred to the Committee on General Legislation and Veterans Affairs.

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. Willet from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for January 6, 1977:

WATER RESOURCES BOARD

Merlyn B. Knudson

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

S. F. No. 198: A bill for an act relating to education; creating a legislative educational finance study commission; appropriating money.

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

Page 2, line 32, strike "five" and insert "eight"

Page 3, line 1, strike "committee" and insert "subcommittee"

Page 3, line 2, strike "five" and insert "eight"

Page 3, line 14, strike "committee" and insert "subcommittee"

Page 3, line 21, strike "commissioner of administration" and insert "legislative coordinating commission"

Page 3, line 22, strike "provide" and insert "designate"

Page 3, line 26, after "The" insert "legislative coordinating"

Page 3, line 26, strike "may" and insert "shall designate or"

Page 3, line 28, after "order" insert "for the legislative educational finance study commission"

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

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

S. F. No. 116: A bill for an act relating to trade regulations; providing for unit pricing of certain packaged commodities; providing for exemptions.

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

Page 2, line 11, strike "50" and insert "100"

Page 2, line 12, strike "50" and insert "100"

Page 2, line 14, strike "50" and insert "100"

Page 3, line 20, strike "50" and insert "100"

Page 3, line 22, strike "50" and insert "100"

Page 4, line 18, strike "may" and insert "shall"

Page 4, line 23, strike "consumer"

Page 4, line 26, strike "provided" and insert "placed"

Page 5, line 9, strike "\$500,000" and insert "\$1,000,000 or any owner operated single store"

Page 5, line 12, after "of" insert "more than"

Page 5, line 12, strike "\$500,000" and insert "\$1,000,000"

Page 5, line 12, strike "or more, except where the store is" and insert ". For the purposes of this subdivision, "chain store sales organization" shall mean two or more retail stores where a common name is used to designate or advertise the stores and where there is common ownership of the stores, in whole or in part."

Page 5, strike line 13 and insert "Subd. 2. Any seller at retail

whose primary business is other than the sale of food or food related commodities shall be exempt from the provisions of this act. Provided, however, that if the establishment of a seller at retail exempted by this subdivision contains a department or section whose primary business is the sale of food or food related commodities, the provisions of this act shall apply to commodities sold in that department or section."

Renumber the subdivisions in sequence

Page 5, line 23, strike "Consumer"

Page 6, line 6, strike "and"

Page 6, line 7, strike "regulations following public hearings,"

Page 6, line 14, strike "consumer"

Page 6, line 16, after "disclosure" strike "for" and insert "of"

Page 6, line 18, delete the period and insert a semicolon

Page 6, after line 18, add:

"(c) Delete items from the list in section 1;

(d) Establish uniform presentation of the pricing information.

Sec. 5. Violations of the provisions of this act shall constitute a petty misdemeanor."

Page 6, line 19, strike "consumer"

Page 6, line 21, strike "by" and insert "on or before"

Page 6, line 23, strike "regulation" and insert "rule"

Page 6, line 24, strike "consumer"

Renumber the remaining sections in sequence

Amend the title as follows:

Page 1, line 4, before the period insert "; providing for penalties"

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

Mr. Anderson from the Committee on Energy and Housing, to which was referred

H. F. No. 38: A bill for an act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051, by adding a subdivision.

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

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

S. F. No. 74: A bill for an act relating to agriculture; potato grading; application; repealing Minnesota Statutes 1976, Section 30.101.

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

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

S. F. No. 85: A bill for an act relating to agriculture; establishing an avian disease research center; appropriating money.

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

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

S. F. No. 333: A bill for an act relating to agriculture; potato industry promotion; providing for an increase in the assessment levied; amending Minnesota Statutes 1976, Section 30.469.

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

Page 1, line 18, reinstate "and 30.479"

Page 2, line 12, reinstate "and 30.479"

Page 3, line 2, reinstate "and 30.479"

Page 3, line 10, reinstate "and 30.479"

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

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

S. F. No. 138: A bill for an act relating to game and fish; violation of laws or regulations; conviction and ineligibility for licensing; amending Minnesota Statutes 1976, Sections 97.40, by adding a subdivision; and 98.52, Subdivision 1.

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

Amend the title as follows:

Page 1, lines 2 and 3, delete "violation of laws or regulations;" and insert "defining"

Page 1, line 3, delete "and ineligibility for"

Page 1, line 4, delete "licensing" and after the semicolon insert "increasing the penalty for a conviction related to big game;"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 74 and 333 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. 38 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Johnson moved that S. F. No. 62 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Knoll moved that the name of Mr. Kirchner be added as co-author to S. F. No. 555. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Nelson be added as co-author to S. F. No. 594. The motion prevailed.

Mr. Solon moved that the names of Messrs. Spear and Vega be added as co-authors to S. F. No. 596. The motion prevailed.

Mr. Vega moved that the name of Mr. Solon be added as co-author to S. F. No. 609. The motion prevailed.

Mr. Vega moved that the name of Mr. Solon be added as co-author to S. F. No. 613. The motion prevailed.

Mr. Sieloff moved that the name of Mr. Knutson be added as co-author to S. F. No. 558. The motion prevailed.

Mr. Purfeerst moved that S. F. No. 582 be withdrawn from the Committee on Transportation and re-referred to the Committee on Commerce. The motion prevailed.

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

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

Patricia Thorup, transferred from Page classification to Clerk Typist I, effective March 7, 1977.

Laura Lindorfer, transferred from Clerk-Typist II to Committee Secretary.

Nancy PirkI, Clerk-Typist II, effective March 3, 1977.

Rabbi Bernard S. Raskas, Chaplain, effective March 3, 1977.

Rev. Edward Flahavan, Chaplain, effective March 21, 1977.

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

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

REPORTS OF COMMITTEES

Mr. Coleman from the Committee on Rules and Administration, makes the following report:

The permanent rules of the Senate for the 70th legislature shall read as follows:

**PERMANENT RULES OF THE SENATE
PARLIAMENTARY REFERENCE**

1. The rules of parliamentary practice comprised in Mason's Manual of legislative procedure shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

HOOR OF CONVENING

2. The Senate shall convene on days of meeting at 10 o'clock a.m. unless the Senate directs otherwise.

PRESIDENT

3. The President shall take the chair at the hour to which the Senate adjourned. He shall immediately call the members to order and, on the appearance of a quorum, shall proceed with the regular order of business. He shall preserve order and decorum, may speak on points of order in preference to members, and shall also decide all questions of order, subject to an appeal to the Senate by a member. An appeal is decided by a majority vote of those present and voting. Upon an appeal from the decision of the President, the question is, "Shall the decision of the President be the judgment of the Senate?"

SUBSTITUTES FOR THE PRESIDENT

4. The President may call a member to preside. In the absence of the President, the Chairman of the Committee on Rules and Administration, or his designee, shall preside over the Senate. In the absence of the Chairman, a member may be selected by the Senate to perform the duties of the President. Substitutions do not extend beyond adjournment.

ABSENCE OF SENATORS

5. No Senator or officer of the Senate shall be absent from a session of the Senate unless excused by the Senate.

DECORUM DURING BUSINESS

6. When the President puts a question, or addresses the Senate, no one shall walk out of or cross the Chamber. When a member is speaking, no one shall pass between the member speaking and the President. No member, or other person, shall proceed to or remain by the Secretary's desk while the ayes and nays are being called or counted. No member may speak without using a microphone.

ORDER OF BUSINESS

7. The order of business is as follows:
 1. Petitions, letters, remonstrances.
 2. Executive and official communications.
 3. Introduction and first reading of Senate bills.
 4. Messages from the House of Representatives.
 5. First reading of House bills.
 6. Reports of committees.
 - (a) From standing committees.
 - (b) From select committees.
 7. Second reading of Senate bills.
 8. Second reading of House bills.
 9. Motions and resolutions.
 10. Third reading of Senate bills.
 11. Third reading of House bills.
 12. Consent Calendar.
 13. General Orders.
 14. Announcements of Senate interest.

Under the order of business of Motions and Resolutions the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

CALENDAR

8. The Secretary shall make a Calendar of all bills, resolutions and other matters coming before the Senate for final action. He shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole. Senate bills shall be placed ahead of House bills. The Calendar shall be printed and placed upon the members' desks at least one calendar day before the matters on it are considered.

CONSENT CALENDAR

9. If a committee determines that a bill it recommends to pass is of a routine nature or otherwise of a nature which likely will not be opposed, it may in its report recommend that the bill be placed on the Consent Calendar. If the report is adopted, the bill shall be printed and placed on the Consent Calendar after its second reading. On the question of adoption of the report the question of accepting the recommendation that the bill be placed on the Consent Calendar may be divided from the question of adopting the report in other respects.

A majority of the whole Senate may order a bill on General Orders to be placed on the Consent Calendar.

The Consent Calendar consists of bills placed on it. Senate bills shall be positioned ahead of House bills. The Consent Calendar shall be printed and placed on the members' desks at least one calendar day before the matters on it are considered.

If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill shall be referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SPECIAL ORDERS

10. The Chairman of the Subcommittee on Bill Scheduling of the Committee on Rules and Administration, as authorized by the subcommittee, may designate a Special Order for a bill that has been given its second reading.

A Special Order shall provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

During consideration of a Special Order, Rule 20 is suspended. As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions shall be that of the Committee of the Whole.

On any question a member may call for the ayes and nays which shall be entered in the Journal.

Unless it is otherwise disposed of, after consideration a bill on Special Orders of the Senate shall immediately proceed to its third reading and final passage.

GENERAL ORDERS

11. The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, which are referred to the Committee of the Whole, and which are not made the order of the day, for a particular day, and number them. The lists are called the "General Orders". They shall be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.

General Orders, together with all bills included on it required to be printed under the rules or orders of the Senate, shall be printed and placed upon the members' desks at least one calendar day before being considered in Committee of the Whole.

MOTIONS

12. When a motion is made it shall be stated by the President. If it is in writing it shall be handed to the Secretary and read to the members.

13. A motion or amendment shall be written if the President or a member requests. In that case it must be signed by the member or committee offering it.

14. After a motion is stated by the President, or read by the Secretary, it is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

PRECEDENCE OF MOTIONS

15. When a question is under debate no motion shall be received, except:

1. To adjourn.
2. To recess.
3. To reconsider.
4. To lay on the table.
5. For the previous question.
(Motions numbered 1, 2, 4 and 5 above shall be decided without debate.)
6. To refer.
7. To postpone to a day certain.
8. To amend.
9. To postpone indefinitely.

These several motions have precedence in the foregoing order; but when a motion for the previous question has been seconded, or the main question ordered, a motion to lay on the table is not in order.

A motion to postpone to a day certain, to refer, to postpone indefinitely, or to amend, having been decided, shall not again be put on the same day, nor at the same stage of the bill or proposition.

MOTION TO ADJOURN

16. A motion to adjourn is always in order, and also a motion to adjourn to a time certain. The latter motion is debatable solely as to the time. When either motion is rejected it shall not be renewed until further business has been transacted.

AMENDMENTS TO RULES AND SUSPENSION OF RULES

17. Every proposition to amend a rule of the Senate shall be referred to the Committee on Rules and Administration. The proposition shall not be acted upon until the report of the committee is received by the Senate. A rule shall not be suspended except by at least two-thirds vote of the whole Senate. A motion to suspend the rules for the purpose of advancing a bill shall be made only under the order of business, "Motions and Resolutions."

ORDER IN DEBATE

18. When a member is about to speak in debate, or deliver a matter to the Senate, the member shall rise and respectfully

address "Mr. President". The member shall not proceed to speak further until recognized by the President. The member shall speak only to the question under debate and avoid personality. In discussing a resolution, Senators are limited to ten minutes each.

19. When a member is called to order, he shall be silent until it is determined whether or not he is in order. If a member is called to order for words spoken in debate, the words excepted to shall be taken down in writing by the Secretary immediately.

20. No member shall speak more than twice on the same question on the same day without leave of the Senate.

COMMITTEES NOT TO BE ABSENT

21. Committees shall not be absent from the Senate without permission of the Senate. The names of the Senators excused shall be printed in the Journal.

SENATORS TO VOTE UNLESS EXCUSED

22. Every member of the Senate who is in the Senate Chamber during a roll call shall vote upon the request of any Senator unless the Senate, for special reasons, excuses the member.

A motion by a member to be excused from voting shall be made before the question is put. A member wishing to be excused from voting may make a brief statement of the reason for making the request and the question on the motion shall be taken without further debate.

When members have had an opportunity to vote and fail to do so, a majority of all the members of the Senate may, by motion, direct the President to close the roll. The vote on a motion to close the debate shall be taken without debate and no member is required to vote on the motion.

CALL OF THE SENATE

23. A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn. Upon the imposition of a call, a record of those present shall be obtained and the Sergeant-at-arms instructed to bring in the absent members. When the Senate has been placed under call, the doors shall be closed and no member permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority vote of all the members of the Senate, or until the Senate adjourns. A majority vote of all the members of the Senate may excuse from attendance absent members not answering the call.

A call cannot be made after voting has commenced.

QUESTIONS — HOW STATED AND DECIDED

24. Questions shall be distinctly put. The President shall de-

clare all votes but if a member rises to question a vote, the President shall order a division.

ONLY MEMBERS PRESENT TO VOTE

25. Upon a division and count of the Senate on a question, only members present in the Senate chamber shall be counted. No member may vote on a question except at the member's own seat in the chamber.

ANY SENATOR MAY DEMAND AYES AND NAYS

26. At any time prior to the start of voting on a question, a member may call for the ayes and nays which shall be entered in the Journal. A call for the ayes and nays cannot be interrupted except as provided in Rule No. 22.

AUTHORIZED ELECTRICAL VOTING DEVICE

27. Unless otherwise ordered, a vote, except upon elections and upon the overriding of a Governor's veto, may be taken by means of the electrical voting system which is under the control of the President.

CERTIFICATE FOR MONEY

28. No certificate authorizing the payment of money appropriated by the Legislature shall be issued by the Secretary, by virtue of a motion or resolution unless the motion or resolution is voted for by a majority of all members of the Senate. All motions or resolutions authorizing the issuing of certificates by the Secretary for the payment of money shall be upon a call of the ayes and nays.

THE PREVIOUS QUESTION

29. Unless the motion for the previous question is made specifically applicable to a subsidiary motion, the previous question shall be in this form:

"Shall the main question now be put?" It shall only be admitted when demanded by a majority of the members present, and its effect is to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order and then upon the main question.

On a motion for the previous question a call of the Senate is in order before the President submits the question to the Senate.

On a previous question there is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending the motion, shall be decided, whether on appeal or otherwise, without debate.

DIVISION OF QUESTION

30. A member may call for a division of the question when the

question will admit of it. A motion to strike out and insert is indivisible. A motion to strike out being lost does not preclude an amendment nor a motion to strike out and insert.

RECONSIDERATION

31. When a motion or question has been once put and carried in the affirmative or negative, it is in order for a member who voted with the prevailing side to move for reconsideration on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion takes precedence over all other questions except a motion to adjourn or recess. When a motion to adjourn is adopted prior to the disposition of the motion for reconsideration, a motion for reconsideration shall lie over until the next succeeding day the Senate meets except as provided in this rule. When notice of intention to move reconsideration of the final action of the Senate on a question is given by a member, the Secretary shall retain the subject of the notice until after the expiration of the time during which the motion can be made.

During the six calendar days before the first Tuesday following the third Saturday in May of any year a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made and have priority over all other business except a motion to adjourn. A motion for reconsideration having been once voted on shall not be put again nor reconsidered.

INTRODUCTION OF BILLS

32. Bills, memorials, concurrent or joint resolutions may be introduced by a member or by order of the Senate on a report of a committee. An original and three copies are required for introduction. The number of authors shall not exceed five. A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall place it in the hands of the Secretary, and the Secretary shall promptly deliver all the bills, memorials or concurrent or joint resolutions to the President who shall present them to the Senate.

The name of the author or authors shall be prefixed to each bill, memorial or resolution and the name of a committee introducing a bill, memorial or resolution shall be endorsed on it.

RECESS BILL INTRODUCTIONS

33. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, a bill filed with the President for introduction shall be given a file number and may be unofficially referred by the Committee on Rules and Administration to an appropriate standing committee of the Senate. All bills filed for introduction during this period shall be presented to the Senate when it reconvenes and shall be referred to the standing committees previously indicated by the Committee on Rules and Administration, subject to objection under Rule 35.

REPORTING OF BILLS

34. Every bill, memorial, order, resolution or vote requiring the approval of the Governor shall be reported to the Senate on three different days previous to its passage. The first report, called the first reading, is made when it has been received for introduction; the second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate; the third report, called the third reading, is made when it is ready for final passage.

REFERRING OF BILLS

35. All bills shall be referred by the President without motion to the proper standing committee unless otherwise referred by the Senate. A bill introduced by a committee need not be referred to a standing committee unless a question arises but rather shall lie over one day before being given its second reading and placed on General Orders. When a question arises concerning the proper reference of a bill during the order of business of first reading on the day of introduction or at the time of report on it by a standing committee to which the bill was previously referred, the bill shall be referred without debate to the Committee on Rules and Administration to report the proper reference, and upon adoption of the report, it shall be referred accordingly.

All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than the Committee on Finance, shall, before passage, be referred to the Committee on Finance.

36. No bill or resolution shall be referred to committee or amended until it has been given its first reading. No bill or resolution shall be objected to on its introduction.

AMENDMENTS TO BE GERMANE

37. An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order. A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose than that of the original bill to which it is proposed. Whether an amendment is germane is a question to be decided by the President, who may put the question to the body if he chooses.

AMENDMENTS TO BILLS

38. In drawing an amendment to a bill or resolution reference shall be made therein, first to the number of the bill, then to the page, and then to the line or lines from which matter is to be stricken or in which new matter is to be inserted.

AMENDMENTS TO TITLE

39. The title to a bill may be amended at any time during its pendency in the Senate.

RECALL FROM COMMITTEE

40. A majority of the Senate may at any time recall a bill from any committee or take a bill from the table and place it on General Orders.

By a report of the Committee on Rules and Administration, adopted by the Senate, the Committee on Rules and Administration on request of the first author may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

DISTRIBUTION AND PRINTING OF BILLS

41. To the extent practical the Secretary shall provide a copy of any bill to the public. He may charge a reasonable fee.

Unless otherwise ordered by the Senate, all Senate bills which have been reported upon favorably or without recommendation by a committee shall be printed prior to consideration by the Senate or the Committee of the Whole. A bill may be printed by order of the Secretary when amended after second reading. A bill shall be printed when ordered by a majority vote of the Senate. Action by the Senate on a bill which has not been printed is a waiver of the printing requirement.

BILL SCHEDULING

42. All bills, memorials, orders, resolutions and votes requiring the approval of the Governor shall, after a second reading, be referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration, except as provided for in Rule 9. At least every seven calendar days, the subcommittee shall report to the Senate the bills and other matters recommended by the subcommittee for Senate action, and any subcommittee action taken or proposed on bills and other matters that are recommended to remain in the subcommittee. All matters reported out by the subcommittee shall be placed on General Orders in the order designated by the subcommittee and shall be considered in Committee of the Whole before they are finally acted upon by the Senate, except as provided for in Rules 9 and 10.

COMMITTEE OF THE WHOLE

43. The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole. The rules observed in the Senate govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chairman of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject and a call for the previous question cannot be made. The ayes and nays shall be taken only upon the request of three members, and when taken shall be recorded in the Journal along with the amendment; provided, however, that a member may, with the approval of the Chairman of the Committee on Rules and Administration, submit a description of the amendment for printing.

In those cases the Secretary shall retain in the minutes of the Committee of the Whole the full text of the amendment.

44. The recommendations of the Committee of the Whole shall be reported to the Senate. If a recommendation contains a proposed amendment of a bill, that amendment shall be noted on a separate piece of paper but when reported need not be read by the President unless required by one or more of the members. The question is on the adoption or rejection of the report, and no other question shall be admitted. The question may be divided to permit separate Senate action on the report as to any bill. On adoption of the report of the Committee of the Whole all bills recommended to pass shall be placed upon the Calendar.

AMENDMENT ON THIRD READING

45. Except as provided for in Rule 39 and to fill blanks, no amendment is in order on third reading without the unanimous consent of the Senate. In filling blanks, the largest sum, the longest time and the greatest distance shall be first taken.

MOTION TO REFER

46. A bill or resolution may be referred to committee at any time prior to its passage, and if an amendment is reported on the referral to any other than a Committee of the Whole, it shall again be read the second time, *referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration*, considered in Committee of the Whole, read the third time and placed on final passage. If the referral is to the Committee of the Whole it shall be placed at the head of General Orders, except when the referral is under Rule 9.

FINAL PASSAGE

47. The final question upon a bill or other matter requiring action by both Houses after its first and second reading, and after the consideration in Committee of the Whole, is upon its final passage.

TRANSMITTING OF BILLS TO THE HOUSE

48. Except as provided in Rule 31, immediately after the passage of a bill or other matter in which the concurrence of the House of Representatives is requested, the Secretary shall transmit it to the House. On the concurrence of a bill or other matter of the House by the Senate, or on the concurrence or disagreement in a vote of the House, the Secretary shall notify the House.

COMPARISON AND SUBSTITUTION OF BILLS

49. Unless there is a motion or objection, a House bill, after its first reading, shall be referred as follows:

(b) (a) If there is no Senate companion bill, the House bill shall be referred to the ~~Committee on Rules and Administration~~.

which shall recommend that the bill be referred to the appropriate standing committee;

(a) (b) If there is a Senate companion bill, the House bill shall be referred to the standing committee possessing the Senate companion;

(c) If the Senate companion bill has been reported to the Senate, the House bill shall be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report shall recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee shall so state and recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended shall be given its second reading and substituted for the Senate companion bill and the Senate companion bill shall be indefinitely postponed.

Reports of the Committee on Rules and Administration pursuant to this rule shall be prepared and submitted on behalf of the committee by the Secretary.

A House bill placed on the Calendar by substitution shall not be given its third reading on the same day as the substitution.

ENGROSSING AND ENROLLING OF BILLS

50. All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.

Every bill, memorial, order or resolution originating in the Senate shall be carefully engrossed before being transmitted to the House of Representatives for concurrence.

All bills shall be carefully enrolled under the supervision of the Committee on Rules and Administration, which may report to the Senate at any time on the enrollment of bills.

DISPOSITION OF BILLS ON ADJOURNMENT

51. Adjournment of the regular session in an odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, or General Orders shall be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion prior to adjournment. Bills returned to committee pursuant to this rule shall, upon request of the author, be given priority for consideration by the committee ahead of all other bills in the order in which they appeared on the Calendar, Consent Calendar, or General Orders.

PETITIONS AND OTHER COMMUNICATIONS

52. In presenting a petition, memorial, remonstrance or other

communication addressed to the Senate, a member shall only state the general purpose of it.

Every petition, memorial, remonstrance, resolution, bill and report of committee, shall have an appropriate title, and the name of the member presenting it written on it.

RESOLUTIONS

53. Memorial resolutions addressed to the President or the Congress of the United States, or a house or member of Congress, or a department or officer of the United States, or a state or foreign government, and resolutions requiring the signature of the Governor shall follow the same procedure as bills before being adopted.

Upon a member giving notice of intention to debate a resolution not requiring the signature of the Governor and not offered by the Committee on Rules and Administration, the resolution shall lie over one calendar day without debate or other action. Upon the request of a Senator, the resolution shall be referred to the proper committee. Whenever a question arises concerning the proper reference the procedure provided by Rule 35 applies.

CONFIRMATIONS

54. Every gubernatorial appointment requiring the advice and consent of the Senate shall be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment shall be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question shall not be put the same day the appointment is received nor on the day it is reported by committee unless by unanimous consent.

SIGNING OF ACTS, RESOLUTIONS

55. In addition to his duties under Rule 3, the President shall sign all acts, memorials, addresses and resolutions. All writs, warrants and subpoenas issued by the Senate shall be signed by the President and attested by the Secretary.

APPOINTMENT OF COMMITTEES

56. The majority and minority shall each be represented on all standing committees of the Senate. The majority group shall assign the number of positions the minority group will hold on each committee. The minority group shall be given adequate notice about its positions prior to the commencement of the session. Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee. The minority group shall transmit notice of its assignments to the majority group within ten calendar days after receipt of the notice of positions available. If the minority group

for any reason fails to make its appointments pursuant to this rule, the majority group may make all the committee assignments.

The majority and minority committee assignments are subject to the uniform criteria governing committee assignments applicable to both the majority and minority. The uniform criteria shall be promulgated by the majority group and transmitted to the minority group together with notification of committee positions available to the minority.

Committee assignments as made by the majority and minority groups shall be followed by the Senate in the resolution establishing representation on all Senate standing committees.

After the organization of the Senate, all committees of the Senate and members of commissions to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration, unless otherwise provided, subject to confirmation by the Senate. In the appointment of members of conference committees between the two houses, the Subcommittee on Committees of the Committee on Rules and Administration of the Senate shall appoint those who are in accord with the position of the Senate, and whenever practical, give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

STANDING COMMITTEES

57. The standing committees of the Senate and their complements are as follows:

Agriculture and Natural Resources — 18 19

Commerce — 15

Education — 14

Elections — 11

Employment — 14

Energy and Housing — 14

Finance — 26

General Legislation and Veterans Affairs — 14

Governmental Operations — 19 20

Health, Welfare and Corrections — 14

Judiciary — 17

Local Government — 11 12

Rules and Administration — 21

Taxes and Tax Laws — 19 21

Transportation — 16

The Committee on Rules and Administration may constitute

a standing Subcommittee on Engrossing and Enrolling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration, and the reference under Rule 49 is made directly to this subcommittee.

The Committee on Rules and Administration may constitute a standing Subcommittee on Bill Scheduling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration, and the reference under Rule 42 is made directly to this subcommittee. The subcommittee shall consist of the Chairman of the Committee on Rules and Administration who shall serve as chairman of the subcommittee, the Vice-chairman of the Committee on Rules and Administration, the President, the chairmen of the committees on Finance and on Taxes and Tax Laws, and one member of the minority group.

The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration. The subcommittee shall consist of five members, one of whom shall be a member of the minority group.

Each standing committee of the Senate, including a subcommittee of the committee, is authorized at any time to sit and act, to require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, and to take testimony as it deems advisable. Each standing committee may make investigation into to investigate and take testimony on any matter within its jurisdiction, may to report hearings held by it, and may to make expenditures as authorized from time to time by the standing Committee on Rules and Administration. *A standing committee, but not a subcommittee, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, Section 3.153.*

COMMITTEE MEETINGS

58. All meetings of the Senate, its committees and subcommittees are open to the public.

To the extent practical, meetings of all committees shall be announced to the public at least three calendar days prior to convening. The notice shall state the name of the committee, the bill or bills to be considered, the place and time of meeting. The notice shall be posted on all Senate bulletin boards in the Capitol, and the State Office Building. A notice shall be sent to the House of Representatives for posting as it deems necessary.

QUORUM IN COMMITTEE

59. A majority of its members constitutes a quorum of a committee.

REPORT OF VOTE IN COMMITTEE

60. Upon the request of a member of a committee or subcommittee to which a bill has been referred, or upon the request of the author of the bill, a record shall be made of the vote on the bill in the committee or subcommittee, including the vote on any amendment or proposed amendment to it, in the committee or subcommittee to which the bill was referred.

Upon request of three members of the committee, the record of a roll call vote in a standing committee shall accompany the committee report and be printed in the Journal.

COMMITTEE ACTION

61. No report of any committee shall be made to the Senate unless it reports action taken at a regular or special meeting of the Committee. A report in violation of this rule is out of order.

A committee report or a proposed amendment to a bill, memorial or resolution shall be in six copies and written only on one side of the paper.

EMPLOYEES AUTHORIZED IN THE SENATE

62. The Senate shall employ for the session the following:

Number of Positions	Position	Salary Per Day
2	Administrative Assistant I	1 @ \$43.33
		1 @ \$54.88
1	Administrative Assistant II	\$68.49
1	Assistant Captain of Pages	\$25.20
1	Assistant Executive Secretary	\$37.09
2	Assistant Public Information Officer	1 @ \$31.59
		1 @ \$37.24
2	Assistant Sergeant at Arms	\$27.43
1	Captain of Pages	\$27.43
1	Chaplain (several to serve during session)	\$25.00
1	Chief Indexer	\$43.33
10	Clerk I	8 @ \$25.65
		2 @ \$27.18
13	Clerk Typist I	7 @ \$26.82
		6 @ \$28.42
8	Clerk Typist II	5 @ \$27.98

Number of Positions	Position	Salary Per Day
		3 @ \$29.65
2	Clerk Typist III	\$30.85
15	Committee Administrative Assistant	7 @ \$42.06
		8 @ \$43.33
16	Committee Clerk	10 @ \$26.82
		6 @ \$28.42
15	Committee Secretary	7 @ \$34.77
		8 @ \$36.80
1	Duplicating Supervisor	\$29.34
1	Engrossing Clerk	\$34.42
1	Engrossing Secretary	\$43.33
2	Executive Secretary	\$44.05
1	First Assistant Secretary of the Senate	\$82.05
3	Fiscal Services Aide	1 @ \$32.88
		1 @ \$33.47
		1 @ \$34.25
1	Fiscal Services Supervisor	\$43.33
1	Fourth Assistant Secretary of the Senate	\$35.62
3	Indexer	2 @ \$29.14
		1 @ \$30.00
4	Legislative Assistant I	1 @ \$33.70
		2 @ \$36.80
		1 @ \$39.64
3	Legislative Assistant II	1 @ \$43.33
		1 @ \$45.62
		1 @ \$46.99
4	Legislative Clerk I	\$26.82
7	Legislative Clerk II	3 @ \$27.24
		2 @ \$29.65
		2 @ \$30.75
2	Legislative Clerk III	\$30.85
5	Legislative Fiscal Analyst	2 @ \$47.95
		1 @ \$78.46
		1 @ \$79.34

Number of Positions	Position	Salary Per Day
		1 @ \$83.57
1	Minority Secretary of the Senate	\$70.56
35	Page	30 @ \$20.00
		5 @ \$22.00
1	Public Information Officer	\$43.84
14	Researcher	2 @ \$30.14
		1 @ \$34.25
		2 @ \$35.62
		1 @ \$36.80
		1 @ \$38.36
		3 @ \$42.00
		1 @ \$45.90
		1 @ \$46.58
		2 @ \$53.28
1	Second Assistant Secretary of the Senate	\$54.80
25	Secretary	9 @ \$32.54
		16 @ \$34.42
1	Secretary to the Majority Leader	\$44.05
1	Secretary to the Minority Leader	\$41.47
1	Secretary of the Senate	\$98.63
13	Senate Counsel	2 @ \$41.10
		1 @ \$46.58
		1 @ \$49.32
		1 @ \$52.06
		1 @ \$53.42
		3 @ \$56.16
		1 @ \$58.90
		1 @ \$66.27
		1 @ \$68.03
		1 @ \$80.22
10	Senate Researcher	2 @ \$43.53
		1 @ \$44.04
		1 @ \$46.99

Number of Positions	Position	Salary Per Day
		2 @ \$52.06
		2 @ \$54.79
		1 @ \$62.41
		1 @ \$64.33
1	Senate Research Assistant Director	\$69.81
1	Senate Research Director	\$91.78
17	Sergeant	8 @ \$20.00
		9 @ \$22.00
1	Sergeant at Arms	\$35.32
1	Steno Pool Supervisor	\$36.80
22	Stenographer I	14 @ \$27.98
		8 @ \$29.65
22	Stenographer II	8 @ \$30.28
		14 @ \$32.05
1	Third Assistant Secretary of the Senate	\$37.09

The Appointment to the foregoing positions shall be made by resolution specifying the names of such appointments *the appointees* and the positions to which ~~the same~~ they are appointed, adopted by a majority of all members of the Senate.

ADDITIONAL EMPLOYEES

63. All propositions for the appointment and payment of employees of the Senate or for expenditures on account of the Legislature, other than those provided by law, shall be referred to the Committee on Rules and Administration, without debate, and no appointment shall be made or expense incurred unless reported favorably by the committee, or unless its report is overruled by a three-fourths vote of the whole Senate. The committee shall report to the Senate the amount of compensation to be paid to each employee whose appointment is recommended by it.

AUTHORITY OVER EMPLOYEES

64. Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees, officers and clerks of the Senate both elective and appointive. The committee has the sole and exclusive power and authority to assign them to duties other than for which they were elected or appointed as the committee may from time to time provide. The committee has power to appoint employees, officers or clerks as it deems proper to exercise the power granted to it by this rule. The committee may make

rules and regulations for the government of the employees, officers and clerks as they see fit. In case of violation of an order of the committee by an employee, officer or clerk, or in case of a violation of a rule or regulation made by the committee, or in case of misconduct or omission by an employee, officer or clerk, the Committee on Rules and Administration may hear complaints and discharge the employee, officer or clerk or impose other punishment by way of fine or otherwise upon the employee, officer or clerk as the committee deems just and proper.

DUTIES OF SECRETARY

65. The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to him as Secretary. He shall not permit Journal records, accounts or papers to be taken from the table or out of his custody, other than in the regular mode of business. If a paper in his charge is missing, he shall report the fact to the President, so that inquiry may be made. He shall superintend the recording of proceedings in the Journal, the engrossing, transcribing and copying of the bills and resolutions, supervise the assistants, clerks, and stenographers under the direction of the Committee on Rules and Administration, and generally perform the duties of Secretary, under direction of the President. The Secretary shall keep the books to be called "Minute Books" in which he shall enter under the appropriate marginal numbers, all Senate and House bills, and correct notes, with the dates thereof, of the state, condition and progress of each bill pending, until its final passage.

The Secretary shall cause to be recorded on magnetic tape the proceedings of the Senate, the Committee of the Whole, each standing committee and standing subcommittee. Each tape shall be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred. Each tape shall be accompanied by a log showing the number of each bill considered and the places on the tape where consideration of the bill occurred. Within two working days after each day the Senate is in session the Secretary shall make a copy of the tape and corresponding log of proceedings of the Senate and the Committee of the Whole and deliver the copies to the Legislative Reference Library. Within two working days after each meeting of a standing committee or standing subcommittee the Secretary shall ~~deliver~~ *make a copy of the original* tape and corresponding log of the meeting *and deliver the copies* to the Legislative Reference Library. Upon completion and approval of the minutes of the meeting, a copy of the minutes shall be promptly delivered to the Legislative Reference Library. The Secretary shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee or standing subcommittee, and the date on which a tape recording of the session or meeting was transmitted to the Legislative Reference Library. The Library shall keep a similar record of all tapes received. The Library shall provide committee staff with reasonable access to Senate tapes and shall provide the public with convenient facilities to listen to the tapes. Copies of Senate tapes

shall be available to the public from the Secretary, for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy shall be provided free to a member of the Senate upon request for use in legislative business. The original tape and log of each session of the Senate and the Committee of the Whole shall be kept by the Secretary until the end of the period for which the members of the existing House of Representatives have been elected, at which time the tape may be preserved or disposed of as he sees fit. Tapes, logs, and minutes forwarded to the Legislative Reference Library shall be kept by the Library until two years after the end of the period for which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit. It is the intention that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

JOURNAL — HOW APPROVED

66. The Journal of each day's proceedings is open for correction at any time during the session of the next day the Senate meets. Unless corrected on that day, the Journal stands approved.

SECRETARY MAY CORRECT ERRORS

67. The Secretary and Engrossing Clerk, in all proper cases, shall correct all mistakes in numbering the sections and reference to them, whether the errors occur in the original bill or are caused by amendments to it.

PURCHASING SUPPLIES

68. The Secretary is the agent of the Senate for the purchase of supplies. He shall file timely reports of expenditures made with the Committee on Rules and Administration.

DUTIES OF THE SERGEANT AT ARMS

69. The Sergeant-At-Arms shall execute all orders of the President and perform all duties assigned to him connected with the police and good order of the Senate chamber; exercise supervision over the ingress and egress of all persons to and from the chambers; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature properly regulated, and that it is open for the use of members of the Senate at the time fixed; and perform all other services pertaining to his office.

PERSONS PRIVILEGED TO THE FLOOR OF THE SENATE

70. No person shall be admitted within the Senate Chamber, but a Senator, the executive or ex-Governors of the State of Minnesota, members of the House, heads of departments of state government, judges of the Supreme and Districts Courts and members of Congress. Those who have been members of Congress or of the state Legislature who are not interested in any claim or directly in a bill pending before the Legislature may be personally

admitted by a member of the Senate. An employee of either house may be admitted at the request of a member or an officer of the Senate. When the Senate is not meeting, a person not a member may be admitted to the floor at the request of a member or officer. No public hearings shall be held in the Senate Chamber. The retiring room of the Senate is reserved for the exclusive use of the members of the Senate at all times. The Sergeant at Arms shall strictly enforce this rule.

PRIVILEGE OF REPORTERS

71. Provision shall be made for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies which have regularly covered the legislature, namely: The Associated Press, United Press International, St. Paul Pioneer Press, St. Paul Dispatch, Minneapolis Tribune, Minneapolis Star, Duluth Herald and News-Tribune, Rochester Post-Bulletin, WCCO radio and KSTP radio. An additional two spaces shall be provided to other reporters.

One person from each named agency may be present at the press table on the Senate floor at any one time.

Other news media personnel may occupy seats provided in the Senate gallery.

The Committee on Rules and Administration may, through committee action or by delegating authority to the Secretary, allow television filming on the Senate floor on certain occasions.

The committee or its agent may designate a committee of three senior news correspondents to act as an issuing agency for reporters' badges or other credentials.

DISTURBANCE IN LOBBY

72. In case of a disturbance or disorderly conduct in the lobbies or galleries, the President may order them cleared.

NO INTRODUCTION OF VISITORS

73. No introduction of a visitor or visitors in the galleries shall be made from the floor or rostrum of the Senate.

NO SMOKING

74. No Senator or officer of the Senate, or other person, is permitted to smoke in the Senate Chamber. There shall be no smoking in the visitors section of the galleries.

ETHICAL CONDUCT

75. The Subcommittee on Committees shall appoint a special committee on Ethical Conduct consisting of four members selected, two from the majority and two from the minority.

The committee shall serve in an advisory capacity to a member

or employee upon written request and shall issue recommendations to the member or employee.

A lobbyist shall not appear before a Senate committee pursuant to his employment unless he is in compliance with the law requiring lobbyist registration, Minnesota Statutes, Sections 10A.03 to 10A.06. A lobbyist when appearing before a committee shall disclose to the committee those in whose interest he speaks and the purpose of his appearance. A lobbyist shall not knowingly furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees when he knows or should know it will influence the judgment or action of the Senate or any of its committees thereon. A lobbyist shall not exert undue influence or expend improper sums of money in connection with any legislation.

The committee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a member or employee of the Senate or a lobbyist. The committee has the powers of a standing committee to issue subpoenas pursuant to Minnesota Statutes, Section 3.153. In order to determine whether there is probable cause to believe that improper conduct has occurred, the committee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the requirements of Rule 58 do not apply. Upon a finding of probable cause, further proceedings on the complaint are open to the public. If, after investigation, the committee finds the complaint substantiated by the evidence, it shall recommend to the Senate appropriate disciplinary action.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Johnson moved that S. F. No. 195 be withdrawn from the Committee on Local Government and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Laufenburger moved that the report from the Committee on Employment, reported February 24, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Laufenburger moved that in accordance with the report from the Committee on Employment, reported February 24, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

BUREAU OF MEDIATION SERVICES DIRECTOR

Ernest H. Jones, 307 - 7th Place, N. W., Austin, Mower County,

effective May 3, 1976, for a term expiring March 1, 1977.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Laufenburger moved that the report from the Committee on Employment, reported February 24, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Laufenburger moved that in accordance with the report from the Committee on Employment, reported February 24, 1977, the Senate, having given its advice, do now consent to and confirm the appointments of:

PUBLIC EMPLOYMENT RELATIONS BOARD

Don Bye, 609 West Second Street, Duluth, St. Louis County, effective April 5, 1976, for a term expiring January 7, 1980.

Peter Obermeyer, 707 Mount Curve Boulevard, St. Paul, Ramsey County, effective April 5, 1976, for a term expiring January 7, 1980.

Joseph Flynn, 2605 East Poplar Avenue, St. Paul, Ramsey County, effective December 1, 1976, for a term expiring January 1, 1979.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Chenoweth moved that the report from the Committee on Governmental Operations, reported February 24, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Chenoweth moved that in accordance with the report from the Committee on Governmental Operations, reported February 24, 1977, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE EMPLOYEES SUGGESTION BOARD

Robert Elcan, 4908 Dominica Way West, Apple Valley, Dakota County, effective September 22, 1976, for a term expiring January 1, 1977.

**STATE OFFICE OF HEARING EXAMINERS
CHIEF HEARING EXAMINER**

Duane R. Harves, 11429 Valley Court, Burnsville, Dakota County, effective November 23, 1976, for a term expiring June 30, 1982.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Stokowski for Mr. Gearty moved that the report from the Committee on Elections, reported March 3, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Stokowski for Mr. Gearty moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Stokowski for Mr. Gearty moved that in accordance with the report from the Committee on Elections, reported March 3, 1977, the Senate, having given its advice, do now consent to and confirm the appointments of:

ETHICAL PRACTICES BOARD

Mrs. Connie Burchett, 9849 Zilla Street N.W., Coon Rapids, Anoka County, effective July 20, 1976, for a term expiring January 2, 1978.

Roger Noreen, 4684 James Road, Mendota Heights, Dakota County, effective April 29, 1976, for a term expiring January 7, 1980.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that House Concurrent Resolution No. 4 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 4: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the House of Representatives and the Senate meet in Joint convention on Thursday, March 31, 1977, at 4:00 p.m. in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota; and

BE IT FURTHER RESOLVED, that the Education Committee of the Senate and the Higher Education Committee of the House of Representatives in a joint meeting are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

Mr. Coleman moved to amend House Concurrent Resolution No. 4 as follows:

Page 1, line 9, strike "Thursday, March 31" and insert "Monday, April 4"

The motion prevailed. So the amendment was adopted.

Mr. Coleman moved adoption of the foregoing resolution, as amended. The motion prevailed. So the resolution, as amended, was adopted.

THIRD READING OF SENATE BILLS

S. F. No. 10: A bill for an act relating to cities; providing for the establishment of tourist information centers; authorizing payments of expenses of governing officers in certain cases; amending Minnesota Statutes 1976, Sections 465.53 and 465.54.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 104: A bill for an act relating to Cook county; authorizing construction of a building for the county highway department and the issuance of general obligation bonds to finance the cost thereof.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 69: A bill for an act relating to adoption; removing certain witness requirements in the execution of consents; amending Minnesota Statutes 1976, Section 259.24, Subdivision 5.

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 99: A bill for an act relating to Wabasha county; authorizing the sale of Buena Vista sanitarium after rejection of bids.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Mr. Bang moved that S. F. No. 223, No. 2 on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

GENERAL ORDERS

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

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

S. F. Nos. 76, 201, 166, 200, 254, 183, 290 and H. F. No. 12 which the committee recommends to pass.

S. F. No. 70, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 2, line 30, after "debtor" insert "at any time"

S. F. No. 188, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 5, after line 19, insert

"Sec. 9. Minnesota Statutes 1976, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections ~~609.291, 609.292, 609.293, 609.295~~ 609.342, 609.343, 609.344, or ~~609.296~~ 609.345.

(b) "Neglected child" shall have the meanings defined in section 260.015, subdivision 10. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by the parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency pursuant to this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, strike "and"

Page 1, line 7, after "10;" insert "and Section 626.556, Subdivision 2;"

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, March 10, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 10, 1977

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

Prayer was offered by the Chaplain, Rabbi Bernard Raskas.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Kleinbaum, Knoll and Pillsbury were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Vega, Luther and Mrs. Brataas introduced—

S. F. No. 662: A bill for an act relating to welfare; child support; authorizing additional procedures in collection of support payments; updating uniform reciprocal enforcement of support act; amending Minnesota Statutes 1976, Sections 256.87, Subdivision 1; 256.872; 256.873; 257.253; 257.254; 257.257; 257.259; 257.261, Subdivision 1; 257.29; 393.07, Subdivision 9; 393.11; 487.19, Subdivision 1; 518.41; 518.42, Subdivisions 2, 5, 7, 8, 9, and by adding

subdivisions; 518.45, Subdivisions 2, 4 and 5; 518.46, Subdivisions 2, 3 and 4; 518.48; 518.49; 518.551; and Chapter 518, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Frederick and Bang introduced—

S. F. No. 663: A bill for an act relating to taxation; providing a corporate income tax deduction equal to the federal investment credit; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson, Willet, Moe, Renneke and Kirchner introduced—

S. F. No. 664: A bill for an act relating to state government; changing the duties of the legislative commission on Minnesota resources and providing for the personnel thereof; eliminating certain conservation work projects and land acquisition programs; amending Minnesota Statutes 1976, Sections 86.06; 86.08, Subdivision 2; 86.10, Subdivision 1; and 86.53; repealing Minnesota Statutes 1976, Sections 86.07, Subdivision 2; 86.11, Subdivisions 1, 2, 4, 7, 8 and 9; 86.31; 86.32; 86.33; 86.34; 86.35; 86.41; 86.42; and 86.51.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet, Hanson, Johnson, Olson and Engler introduced—

S. F. No. 665: A bill for an act relating to pollution; prohibiting littering; prescribing the powers and duties of the commissioner of transportation in regard thereto; requiring litter bags in certain vehicles and watercraft and litter receptacles in public places; prescribing a litter license fee on certain manufacturers, wholesalers, distributors, and retailers; prescribing penalties; appropriating money; repealing Minnesota Statutes 1976, Sections 169.42; and 609.68.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sieloff, Bernhagen and Renneke introduced—

S. F. No. 666: A bill for an act relating to taxation; providing an alternative valuation of certain family farm or business property in estates for inheritance tax purposes; amending Minnesota Statutes 1976, Chapter 291, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear, Knoll, Stokowski, Kirchner and Ogdahl introduced—

S. F. No. 667: A bill for an act relating to the city of Minneapolis; authorizing a rehabilitation loan program for small and medium sized commercial buildings; and providing for the issuance and security of limited general obligation and revenue bonds to finance the program.

Referred to the Committee on Local Government.

Messrs. Borden, Kleinbaum, Knoll, Milton and Ogdahl introduced—

S. F. No. 668: A bill for an act relating to financial institutions; regulating lenders of conventional mortgage loans; regulating mortgages and escrow accounts; requiring registration and reporting; regulating installment loans; abolishing a usury exception; providing a penalty; amending Minnesota Statutes 1976, Sections 47.20; 48.153; and 334.06.

Referred to the Committee on Commerce.

Messrs. Anderson, Humphrey, Borden, Menning and Ogdahl introduced—

S. F. No. 669: A bill for an act relating to energy; extending the life of the Minnesota energy agency; further defining large energy facility; requiring promulgation of certain energy conservation standards; revising certain requirements; prescribing penalties; amending Minnesota Statutes 1976, Chapter 116H, by adding sections; and Sections 116H.02, Subdivision 5; 116H.07, Subdivision 1; 116H.12, Subdivision 5; 116H.121; 116H.124; 116H.126; and 116H.13, Subdivision 4; repealing Laws 1974, Chapter 307, Section 19.

Referred to the Committee on Energy and Housing.

Messrs. Sieloff and Davies introduced—

S. F. No. 670: A bill for an act relating to automobile insurance; changing priority of certain benefits; requiring certain premium reductions; providing income loss coverage to disabled unemployment compensation recipients; amending Minnesota Statutes 1976, Sections 65B.44, Subdivision 3; 65B.61; and 65B.70, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Laufenburger, Solon, Ashbach and Keefe, S. introduced—

S. F. No. 671: A bill for an act relating to banks, trust companies and savings banks; rule making authority; fees for special investigations; accounts maintained by banking division employees; fees;

banks minimum organizational capital, surplus and undivided profits; providing for certified deposit of capital funds in a custodial bank; providing for banks annual audit systems, approval and reports; state banks minimum capital requirements, establishing investigatory fee for application to acquire trust authority; trust company minimum capital requirements; relating to boards of directors of financial institutions; clarification of certain language; amending Minnesota Statutes 1976, Sections 46.01; 46.04; 46.05; 46.09; 46.131, Subdivision 2, and by adding a subdivision; 48.02; 48.10; 48.36; 48.37; 48.44; 48.67; 48.69; 300.025 and 300.20.

Referred to the Committee on Commerce.

Messrs. Lewis, Kirchner, Knutson, Vega and Sikorski introduced—

S. F. No. 672: A bill for an act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1976, Sections 123.39, Subdivision 13; 252.21; 252.22; 252.23; 252.24; 252.25; and 252.26.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Willet, Peterson, Schrom, Dunn and Benedict introduced—

S. F. No. 673: A bill for an act relating to beverage containers; detachable parts of noncarbonated beverage cans; amending Minnesota Statutes 1976, Section 325.248, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Perpich, McCutcheon, Gearty, Coleman and Laufenger introduced—

S. F. No. 674: A bill for an act relating to taxation; defining "ton" for certain purposes; amending Minnesota Statutes 1976, Chapter 298, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kleinbaum; Willet; Dunn; Keefe, S. and Humphrey introduced—

S. F. No. 675: A bill for an act relating to economic development; providing grants to community development corporations; setting out criteria for making such grants; appropriating funds; amending Minnesota Statutes 1976, Chapter 362, by adding a section.

Referred to the Committee on Employment. Mr. Tennesen questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Sillers, Hanson and Moe introduced—

S. F. No. 676: A resolution memorializing the Secretary of Agriculture and the Congress of the United States to expedite enactment of legislation to assist the domestic sugar industry.

Referred to the Committee on Rules and Administration.

Mr. Solon introduced—

S. F. No. 677: A bill for an act relating to counties; prohibiting counties from publishing the names and salaries of county employees; amending Minnesota Statutes 1976, Section 375.17.

Referred to the Committee on Judiciary. Mr. Wegener questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Borden, Dieterich, Laufenburger, Spear and Mrs. Brataas introduced—

S. F. No. 678: A bill for an act relating to savings banks; allowing savings banks to establish negotiable order of withdrawal accounts; amending Minnesota Statutes 1976, Chapter 50, by adding a section.

Referred to the Committee on Commerce.

Messrs. Penny, Moe, Spear, Sillers and Willet introduced—

S. F. No. 679: A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121, Subdivisions 1, 2 and 3; 136A.144; 136A.16, Subdivisions 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5 and 6; 136A.171; and 136A.233, Subdivision 2.

Referred to the Committee on Education.

Messrs. Lewis, Coleman, Spear and Keefe, J. introduced—

S. F. No. 680: A bill for an act relating to human rights; clarifying the scope of sex discrimination; providing for an appeal by the commissioner; providing for a civil action without filing with the department; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.05, Subdivision 1; 363.072, Subdivision 1; and 363.14, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Moe, Gearty, Perpich, Willet and Coleman introduced—

S. F. No. 681: A bill for an act relating to public lands; author-

izing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Schaaf, Stokowski, Anderson and Milton introduced—

S. F. No. 682: A bill for an act relating to Anoka county; creating a housing and redevelopment authority; applying the provisions of the municipal housing and redevelopment act to Anoka county; providing for local approval of projects.

Referred to the Committee on Local Government.

Messrs. Merriam, Schaaf and Stokowski introduced—

S. F. No. 683: A bill for an act relating to the establishment of parks, playgrounds and scenic areas by the county of Anoka; amending Laws 1961, Chapter 209, Sections 1 and 2.

Referred to the Committee on Local Government.

Messrs. Merriam, Schaaf, Anderson, Milton and Stokowski introduced—

S. F. No. 684: A bill for an act relating to Anoka county; creating an accrual accounting system; providing for purchase and payments for goods and services.

Referred to the Committee on Local Government.

Messrs. Merriam, Schaaf, Humphrey, Gearty and Ashbach introduced—

S. F. No. 685: A bill for an act relating to retirement; maximum benefits for firemen's relief associations; amending Minnesota Statutes 1976, Section 69.691.

Referred to the Committee on Governmental Operations.

Messrs. Merriam, Gearty, Spear, Mrs. Staples and Mr. Keefe, J. introduced—

S. F. No. 686: A bill for an act relating to animals; authorizing destruction rather than research use for unclaimed animals; amending Minnesota Statutes 1976, Section 35.71, Subdivision 3.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Knutson, Bernhagen, Knoll, Olhoft and Ulland, J. introduced—

S. F. No. 687: A bill for an act relating to energy; proposing an interstate commission on the distribution and conservation of energy resources; providing for its operation and financing; appropriating money.

Referred to the Committee on Energy and Housing.

Messrs. Strand, Peterson, Renneke, Ogdahl and Stokowski introduced—

S. F. No. 688: A bill for an act relating to retirement; membership and duties of the Minnesota state retirement system board; amending Minnesota Statutes 1976, Section 352.03, Subdivisions 1, 2, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Knoll introduced—

S. F. No. 689: A bill for an act relating to retirement; purchase of military service credit in the teachers retirement fund; amending Minnesota Statutes 1976, Section 354.53, Subdivisions 1 and 3.

Referred to the Committee on Governmental Operations.

Messrs. Hanson, Willet, Lessard, Peterson and Moe introduced—

S. F. No. 690: A bill for an act appropriating money for educational television facilities in northern Minnesota.

Referred to the Committee on Education.

Messrs. Knoll, Lewis, Vega, Kirchner and Coleman introduced—

S. F. No. 691: A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

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

Mr. Solon introduced—

S. F. No. 692: A bill for an act relating to commerce; regulating the sale of motor vehicle fuel; granting the attorney general enforcement powers; providing a penalty.

Referred to the Committee on Commerce.

Messrs. Chenoweth, McCutcheon, Borden and Bernhagen introduced—

S. F. No. 693: A bill for an act relating to juvenile courts; requiring children found delinquent for committing crimes against the person to be ordered to serve determinate terms of confinement; amending Minnesota Statutes 1976, Section 260.185, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Spear, Solon, Mrs. Brataas and Mr. Kleinbaum introduced—

S. F. No. 694: A bill for an act relating to crimes; specifying the crime of receiving or buying stolen property; prescribing penalties; amending Minnesota Statutes 1976, Section 609.53, Subdivision 1; repealing Minnesota Statutes 1976, Section 609.53, Subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Stumpf, Chenoweth, Lewis, Ashbach and Coleman introduced—

S. F. No. 695: A bill for an act authorizing the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Schaaf, Merriam, Milton, Stokowski and Anderson introduced—

S. F. No. 696: A bill for an act relating to taxation; reducing penalty for delinquent tax payment in certain cases; amending Minnesota Statutes 1976, Section 279.01.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Hanson, Stokowski and Bang introduced—

S. F. No. 697: A bill for an act relating to taxation; providing for valuation of residential property at sale price; requiring year of construction to be included on certificate of value; providing for certain increased income-adjusted homestead credit amounts; amending Minnesota Statutes 1976, Sections 273.11, Subdivision 1; 287.241, Subdivision 4; and 290A.04, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear, Jensen, Kleinbaum, Sikorski and Davies introduced—

S. F. No. 698: A bill for an act relating to insurance companies; simplifying language and removing obsolete provisions; clarifying ambiguities; establishing certain responsibilities; requiring performance bonds for certain corporate officers and employees; increasing certain fees; increasing certain capitalization and reserve requirements; providing certain restrictions; authorizing mutual companies to write certain additional kinds of insurance; prescribing certain penalties; amending Minnesota Statutes 1976, Sections 60A.07, Subdivisions 5d and 11; 60A.09, Subdivision 1; 60A.10, Subdivision 1; 60A.11, Subdivision 2; 60A.12, Subdivision 5; 60A.19, Subdivision 1; 60A.23, Subdivision 7; 60C.06, Subdivision 1; 61A.33; 61A.40; 66A.08, Subdivision 1; 66A.09; 66A.10; 66A.16, Subdivision 2; repealing Minnesota Statutes 1976, Sections 60A.12, Subdivision 6; and 63.36.

Referred to the Committee on Commerce.

Mr. Nichols introduced—

S. F. No. 699: A bill for an act relating to state lands; directing the exchange of certain public lands bordering on public waters in Lincoln county.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Laufenburger, Spear, Kleinbaum, Bang and Davies introduced—

S. F. No. 700: A bill for an act relating to insurance; providing for the procurement of insurance from and the regulation of surplus line insurers and agents; providing for the regulation and imposition of penalties on certain insurance agents; amending Minnesota Statutes 1976, Section 60A.20.

Referred to the Committee on Commerce.

Messrs. Laufenburger, Spear, Kleinbaum, Bang and Davies introduced—

S. F. No. 701: A bill for an act relating to insurance; defining divisible surplus; amending Minnesota Statutes 1976, Sections 60A.02, by adding a subdivision; 60A.07, Subdivision 10; 60A.23, Subdivision 4; 61A.03; 66A.08, Subdivision 3; 66A.14; and 66A.16, Subdivisions 1 and 2.

Referred to the Committee on Commerce.

Messrs. Laufenburger, Spear, Kleinbaum, Sikorski and Bang introduced—

S. F. No. 702: A bill for an act relating to automobile insurance; establishing certain definitions; requiring insurers to provide summaries of insurance policies or issue "readable" policies; requiring coverage for the expenses of car rental; prohibiting sale of property damage coverage without no-fault coverage; regulat-

ing termination and renewal of certain policies; requiring certain insurers to offer replacement policies; amending Minnesota Statutes 1976, Sections 65B.14; 65B.17; and Chapter 65B, by adding sections.

Referred to the Committee on Commerce.

Mr. Schaaf, Mrs. Staples and Mr. Kleinbaum introduced—

S. F. No. 703: A bill for an act relating to labor; granting public employees paid leaves of absence to engage in world athletic competition.

Referred to the Committee on Employment.

Messrs. Benedict, Luther and Gunderson introduced—

S. F. No. 704: A bill for an act relating to education; state aids; providing aid to school districts employing teachers with certain levels of training.

Referred to the Committee on Education.

Messrs. McCutcheon and Olhoft introduced—

S. F. No. 705: A bill for an act relating to taxation; information contained in income tax returns; amending Minnesota Statutes 1976, Sections 290.081; and 290.61.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Perpich, Kirchner, Solon, Lewis and Moe introduced—

S. F. No. 706: A bill for an act relating to Anoka state hospital; closing as a state institution; amending Minnesota Statutes 1976, Section 253.015.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Tennesen, Mrs. Staples, Mr. Vega and Mrs. Brataas introduced—

S. F. No. 707: A bill for an act relating to public welfare; establishing programs for displaced homemakers; establishing multipurpose service programs; defining terms; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Keefe, S. introduced—

S. F. No. 708: A bill for an act relating to elections; providing for elections to fill vacancies in the United States senate; amending Minnesota Statutes 1976, Chapter 202A, by adding a section; repealing Minnesota Statutes 1976, Section 202A.72.

Referred to the Committee on Elections.

Messrs. Tennesen and Lewis introduced—

S. F. No. 709: A bill for an act relating to the Hennepin county municipal court; clarifying fee exclusions for governmental units; amending Minnesota Statutes 1976, Section 488A.03, Subdivision 11a.

Referred to the Committee on Judiciary.

Messrs. Ueland, A. and Renneke introduced—

S. F. No. 710: A bill for an act relating to Blue Earth county; authorizing the issuance and sale of general obligation bonds for the purpose of renovating and remodeling certain buildings.

Referred to the Committee on Local Government.

Messrs. Anderson, Chmielewski, Wegener, Olson and Dunn introduced—

S. F. No. 711: A bill for an act relating to taxation; providing that gross receipts from the sale of sod be exempt from sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst and Schmitz introduced—

S. F. No. 712: A bill for an act relating to metropolitan government; removing the city of New Prague from definitions of metropolitan areas; amending Minnesota Statutes 1976, Sections 473.121, Subdivision 2; 473.123, Subdivision 3; 473.403; 473F.02, Subdivisions 2 and 8.

Referred to the Committee on Governmental Operations.

Mr. Schaaf introduced—

S. F. No. 713: A bill for an act relating to the city of Fridley; membership of new police officers in the public employees retirement association; benefits and contributions for remaining members of the Fridley police pension association.

Referred to the Committee on Governmental Operations.

Messrs. Jensen; Pillsbury and Ueland, A. introduced—

S. F. No. 714: A bill for an act relating to elections; election day voter registration; permitting registration upon oath that voter possesses no document to prove residence in the precinct; eliminating registration by voucher of registered voter; providing for verification of sworn facts; amending Minnesota Statutes 1976, Section 201.061, Subdivision 3, and by adding a subdivision.

Referred to the Committee on Elections.

Messrs. Nichols, Laufenburger, Moe and Bernhagen introduced—

S. F. No. 715: A bill for an act relating to public utilities; regulation of cooperative electric associations; amending Minnesota Statutes 1976, Sections 216B.01; 216B.02, Subdivision 4; 216B.06; 216B.36; 216B.38, Subdivision 5; 216B.45; 216B.47; repealing Minnesota Statutes 1976, Sections 216B.48, Subdivision 7; 216B.-49, Subdivision 6; 216B.50, Subdivision 2; and 216B.51, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Borden, Laufenburger, Solon, Knutson and Dieterich introduced—

S. F. No. 716: A bill for an act relating to credit unions; authorizing certain contracts between credit unions; amending Minnesota Statutes 1976, Section 52.04.

Referred to the Committee on Commerce.

Messrs. Schaaf, Gearty, Sikorski, Nelson and Benedict introduced—

S. F. No. 717: A bill for an act relating to the legislature; recodifying language relative to legislative compensation; providing for a salary supplement during interims between legislative sessions; permitting expense reimbursement; amending Minnesota Statutes 1976, Section 3.099; repealing Minnesota Statutes 1976, Sections 3.101; 3.102; 3.103; and 3.13.

Referred to the Committee on Governmental Operations.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 48.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 7, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 54, 62, 107, 212, 291 and 464.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 7, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 54: A bill for an act relating to state government; purchase of products and services from sheltered workshops and work activity programs; setting standards for price determination; amending Minnesota Statutes 1976, Section 16.281, Subdivision 1.

Referred to the Committee on Governmental Operations.

H. F. No. 62: A bill for an act relating to towns; annual audit report; eliminating the requirement that a copy of the report be furnished to the state auditor; amending Minnesota Statutes 1976, Section 366.22.

Referred to the Committee on Local Government.

H. F. No. 107: A bill for an act relating to state property; authorizing the conveyance of certain state property in Sherburne county to the city of St. Cloud, Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 212: A bill for an act relating to employment fees; providing period when fees must be refunded; amending Minnesota Statutes 1976, Section 184.38, by adding a subdivision.

Referred to the Committee on Commerce. Mr. Milton questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

H. F. No. 291: A bill for an act relating to education; school districts; joint powers; authorizing joint boards to acquire certain property for data processing; amending Minnesota Statutes 1976, Section 123.73.

Referred to the Committee on Education.

H. F. No. 464: A bill for an act relating to licensed occupations; providing for reciprocity in licensing for plumbers licensed in other states; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of S. F. No. 270 be now adopted. The motion prevailed.

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

S. F. No. 270: A bill for an act relating to motor vehicles; increasing the registration tax on certain vehicles; prescribing weight limitations on certain vehicles; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1e and 12; 169.79; 169.83, Subdivisions 1, 2 and 3; 169.85; and 169.86, by adding a subdivision.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 168.013, Subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On all trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on all truck-tractor and semi-trailer combinations except those defined as farm combinations and urban combinations, the tax based on total gross weight during the first six years of vehicle life shall be graduated according to Schedule I of the Minnesota base rate prescribed in this subdivision, but in no event less than \$28, and during the seventh and succeeding years of vehicle life the tax shall be graduated according to Schedule II of this subdivision, but in no event less than \$17.

MINNESOTA BASE RATE

Scheduled taxes include five percent surtax provided for in subdivision 14

TOTAL GROSS WEIGHT IN POUNDS		SCHEDULE I tax	SCHEDULE II tax
A	0 — 1,500	\$ 5.00	\$
B	1,501 — 3,000	9.00
C	3,001 — 4,500	14.00	8.00
D	4,501 — 6,000	19.00	11.00
E	6,001 — 9,000	28.00	17.00
F	9,001 — 12,000	39.00	23.00
G	12,001 — 15,000	62.00	37.00
H	15,001 — 18,000	86.00	52.00
I	18,001 — 21,000	114.00	68.00
J	21,001 — 27,000	158.00	95.00
K	27,001 — 33,000	230.00	138.00
L	33,001 — 39,000	320.00	192.00
M	39,001 — 45,000	420.00	252.00
N	45,001 — 51,000	540.00	324.00
O	51,001 — 57,000	690.00	414.00
P	57,001 — 63,000	830.00	498.00
Q	63,001 — 69,000	970.00	582.00
R	69,001 — 75,000	1,050.00	630.00
S	73,281 — 77,000	1,120.00	672.00
T	77,001 — 81,000	1,190.00	714.00

For each vehicle with a gross weight in excess of ~~75,000~~ *80,000* pounds ~~the an additional tax shall be of \$36 is imposed~~ for each ton or fraction thereof in excess of ~~75,000~~ *80,000* pounds, subject to provisions of subdivision 12.

Provided however, that on all trucks, except those in this chapter defined as farm trucks and urban trucks, having a gross weight in excess of 18,000 pounds but less than 27,001 pounds, the tax shall be:

(a) For the registration year 1976, 70 percent of the applicable Schedule I or Schedule II of this subdivision;

(b) For the registration year 1977, 80 percent of the applicable Schedule I or Schedule II of this subdivision;

(c) For the registration year 1978, 90 percent of the applicable Schedule I or Schedule II of this subdivision;

(d) For the registration year 1979 and thereafter, 100 percent of the applicable Schedule I or Schedule II of this subdivision.

On vehicles having a gross weight in excess of 27,000 pounds, and used for the transportation of livestock or unprocessed and raw farm products shall be taxed at 90 percent of the Minnesota base rate prescribed by this subdivision under Schedule I during each of the first six years of vehicle life and during the seventh and succeeding years of vehicle life as taken from Schedule II, provided the gross receipts derived from such use equal or exceed 60 percent of the owner's total gross receipts from the operation of such vehicle during the 12 month period immediately preceding the date set by law for the reregistration of such vehicle. The owner shall furnish such information as the ~~registrar~~ *commissioner of public safety* may require, including sworn statements of fact, and the ~~registrar~~ *commissioner of public safety* shall thereupon determine whether such owner comes within the provisions of this paragraph.

If an owner has not used such vehicle for the transportation of livestock or unprocessed and raw farm products so as to be able to report gross receipts for the 12 month period as herein set forth, he may, nevertheless, apply for registration hereunder and pay the reduced tax and the ~~registrar~~ *commissioner of public safety* shall, after consideration of the established facts, determine whether such owner is entitled to have such registration approved.

If an owner fails to operate under the conditions and limitations herein set forth, he shall immediately notify the ~~registrar~~ *commissioner of public safety* of such fact and pay the difference between the scheduled gross weight tax and the reduced tax proportionate to the number of months remaining in the year, 1/12 of the difference for each month or fraction thereof, beginning with the month in which such operations were discontinued or changed.

If an owner first uses such vehicle for the transportation of

livestock and unprocessed and raw farm products after the tax becomes due without reduction, no adjustment of refund of tax shall be made during that calendar year for reasons of transporting livestock and unprocessed and raw farm products.

All truck-tractors except those herein defined as farm and urban truck-tractors shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of such truck-tractor and any semi-trailer or semitrailers which the applicant proposes to combine with the truck-tractor. In addition, to such gross weight tax imposed on the truck-tractor, each semi-trailer shall be taxed ~~an annual list fee of \$10 a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects .~~

Urban trucks include only all trucks and all truck-tractors and semi-trailers used exclusively in transporting property within the metropolitan area consisting of Hennepin, Ramsey, Scott, Dakota, Anoka, Washington and Carver counties, or within the corporate limits of any city or contiguous cities or within one mile of cities of the first and second class. For the purposes of this clause a land area ceded to the United States of America under General Laws 1889, Chapter 57, is a statutory city. The vehicle shall not be operated outside the metropolitan area or corporate limits of such city or contiguous cities, or beyond one mile of cities of the first and second class; except that the ~~registrar~~ *commissioner of public safety* may, by special permit, authorize the permanent removal of such vehicle from any registration area to another. The license plates issued therefor shall be plainly marked. On urban trucks and combinations the tax shall be based on total gross weight and shall be 30 percent of the Minnesota base rate prescribed in this subdivision under Schedule I during each of the first six years of vehicle life, but in no event less than \$19, and during the seventh and succeeding years of vehicle life as taken from Schedule II, but in no event less than \$11. In addition to such gross weight tax imposed on the truck-tractor, each semitrailer shall be taxed ~~an annual list a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects .~~ Provided that on vehicles used by an authorized local cartage carrier operating under a permit issued pursuant to section 221.296 and whose gross transportation revenue consist of at least 60 percent obtained solely from local cartage carriage, shall be taxed at 90 percent of the prescribed urban truck and combination rates for the life of the vehicle during each year such vehicle is used, provided that the gross revenues obtained from transportation services is obtained from local cartage carriage is at least 60 percent of all revenue obtained from transportation services by said person; and provided further, that said tax shall in no event be less than \$10.

Sec. 2. Minnesota Statutes 1976, Section 168.013, Subdivision 12, is amended to read:

Subd. 12. [GROSS WEIGHT, ADDITIONAL TAX FOR EXCESSIVE.] Whenever an owner has registered a vehicle and

paid the tax as provided in subdivisions 1 to 1g, on the basis of a selected gross weight of the vehicle and thereafter such owner desires to operate such vehicle with a greater gross weight than that for which the tax has been paid, such owner shall be permitted to re-register such vehicle by paying the additional tax due thereon for the remainder of the calendar year for which such vehicle has been re-registered, the additional tax computed pro rata by the month, one-twelfth of the annual tax due for each month of the year remaining in the calendar year, beginning with the first day of the month in which such owner desires to operate the vehicle with the greater weight. In computing the additional tax as aforesaid, the owner shall be given credit for the unused portion of the tax previously paid computed pro rata by the month, one-twelfth of the annual tax paid for each month of the year remaining in the calendar year beginning with the first day of the month in which such owner desires to operate the vehicle with the greater weight. An owner will be permitted one reduction of gross weight or change of registration per year, which will result in a refund. This refund will be pro-rated monthly beginning with the first day of the month in which *after* such owner applies to amend his registration. The application for amendment shall be accompanied by a fee of \$3, and all fees shall be deposited in the highway user tax distribution fund. Provided, however, the owner of a vehicle may re-register the vehicle for a weight of more than ~~75,000~~ 80,000 pounds for one or more 30-day periods. For each 30-day period, the additional tax shall be equal to one-twelfth of the difference between the annual tax for the weight at which the vehicle is registered and re-registered. When a vehicle is re-registered in accordance with this provision, a distinctive windshield sticker provided by the ~~registrar~~ *commissioner of public safety* shall be permanently displayed.

Sec. 3. Minnesota Statutes 1976, Section 169.79, is amended to read:

169.79 [VEHICLE REGISTRATION.] No person shall operate, drive or park a motor vehicle on any highway unless ~~such~~ *the* vehicle ~~shall have been~~ *is* registered in accordance with the laws of this state and ~~shall have~~ *has* the number plates for the current year only, as assigned to it by the ~~registrar of motor vehicles~~ *commissioner of public safety*, conspicuously displayed thereon in ~~such a~~ manner that the view ~~thereof~~ *shall of any plate* is not be obstructed. If the vehicle ~~be~~ *is* a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer, or semitrailer, one such plate shall be displayed on the rear thereof; *if the vehicle is a truck-tractor or road-tractor, one such plate shall be displayed on the front thereof*; if it ~~be~~ *is* any other kind of motor vehicle, one such plate shall be displayed on the front and one on the rear thereof; . All plates shall be securely fastened so as to prevent ~~the same~~ *them* from swinging. ~~It shall be the duty of~~ *The person* driving the motor vehicle ~~to~~ *shall* keep the plate legible and

unobstructed and free from grease, dust, or other blurring material so that the lettering thereon shall be plainly visible at all times.

Sec. 4. Minnesota Statutes 1976, Section 169.83, Subdivision 1, is amended to read:

169.83 [WEIGHT LIMITATIONS.] Subdivision 1. [PNEUMATIC-TIRED VEHICLES.] *Except as provided in section 6,* no vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

1. Where the gross weight on any wheel exceeds 9,000 pounds;
2. Where the gross weight on any single axle exceeds 18,000 pounds;

3. ~~This limitation~~ *The limitations provided in this section shall be increased by 20 percent from January 1 through March 7 each winter for haulers of raw and unfinished forest products in the following specified zone of the state, where frost conditions are most constant and of longest durations: The zone is bounded as follows: Beginning at Pigeon River, in the northeast corner of Minnesota; thence, in a southwesterly direction along the north shore of Lake Superior to the Minnesota-Wisconsin border; thence, southerly along this border to Trunk Highway No. 48; thence westerly along Trunk Highway No. 48 to Interstate Highway No. 35; thence southerly along Interstate Highway No. 35 to Trunk Highway No. 23; thence southwesterly along Trunk Highway No. 23 to Trunk Highway No. 52 and Interstate Highway No. 94; thence northwesterly along said highways to Trunk Highway No. 29; thence northerly along Trunk Highway No. 29 to Trunk Highway No. 210; thence westerly along Trunk Highway No. 210 to Trunk Highway No. 108; thence northwesterly along Trunk Highway No. 108 to Trunk Highway No. 78; thence northerly along Trunk Highway No. 78 to Trunk Highway No. 10; thence northwesterly along Trunk Highway No. 10 to Trunk Highway No. 59; thence northerly along Trunk Highway No. 59 to the junction with Trunk Highway No. 2; thence, westerly along Trunk Highway No. 2 to the junction with Trunk Highway No. 32; thence, northerly along Trunk Highway No. 32 to the junction with Trunk Highway No. 11; thence, northeast along Trunk Highway No. 11 to the east line of Range 43 W. to the Minnesota-Canadian Border; thence, easterly along said Border to Lake Superior; and further, this 20 percent increase is authorized from December 1 through December 31 each winter for haulers of raw and unfinished forest products, subject to limitation by order of the commissioner of transportation, in that part of the above zone bounded as follows: Beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior along Trunk Highway No. 61 to the junction with Trunk Highway No. 210; thence westerly along Trunk Highway No. 210 to the junction with Trunk Highway No. 10; thence northwesterly*

along Trunk Highway No. 10 to the junction with Trunk Highway No. 59; thence northerly along Trunk Highway No. 59 to the junction with Trunk Highway No. 2; thence westerly along Trunk Highway No. 2 to the junction with Trunk Highway No. 32; thence northerly along Trunk Highway No. 32 to the junction with Trunk Highway No. 11; thence northeast along Trunk Highway No. 11 to the east line of Range 43W to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior.

In all cases where gross weights in an amount less than *those set forth* in this subdivision ~~set forth~~ are fixed, limited or restricted on any highway or bridge by or pursuant to any other section of this chapter ~~such the~~ lesser gross weight as so fixed, limited or restricted shall not be exceeded and ~~in such case~~ shall control instead of the gross weight ~~weights set forth~~ in this subdivision ~~set forth~~.

Sec. 5. Minnesota Statutes 1976, Section 169.83, Subdivision 2, is amended to read:

Subd. 2. [GROSS WEIGHT SCHEDULE.] (1) *Except as provided in section 6*, no vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

Maximum gross weight in pounds on a group of

	2	3	4
Distances in feet between centers of foremost and rearmost axles of a group	consecutive axles of a 2-axle vehicle or of any combination of vehicles having a total of 3 or more axles	consecutive axles of a 3-axle vehicle or of any combination of vehicles having a total of 3 or more axles	consecutive axles of any combination of vehicles having a total of 4 or more axles
4	32,000		
5	32,000		
6	32,000		

7	32,000	37,000	
8	33,000	38,500	
9	34,000	39,900	
10	35,000	41,200	42,500
11	36,000	42,400	44,300
12		43,500	46,000
13		44,500	47,600
14		45,500	49,100
15		46,500	50,500
16		47,500	51,800
17		48,500	53,000
18		49,500	54,000
19		50,500	54,500
20		51,500	55,500
21		52,200	56,000
22		52,900	56,500
23		53,600	57,500
24		54,000	58,000
25			58,500
26			59,500
27			60,000
28			60,500
29			61,500
30			62,500
31			63,500
32			64,000

Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed 73,280 pounds and the gross weight on any tandem axle shall not exceed 32,000 pounds.

(2) Expired on June 30, 1965. See Laws 1963, Chapter 532, Section 1.

(3) Expired on June 30, 1965. See Laws 1963, Chapter 532, Section 1.

(4) Expired on June 30, 1965. See Laws 1963, Chapter 532, Section 1.

(5) (2) During the times and within the zone set forth in sub-

division 1 and not otherwise haulers of raw and unfinished forest products shall not be subject to the foregoing limitations of gross weight for groups of two or more consecutive axles in this subdivision set forth but shall in lieu thereof within such zone and during such time be subject to the gross weight limitations as follows: No vehicle or combination of vehicles equipped with pneumatic tires shall be operated by haulers of raw and unfinished forest products upon the highways of this state during the times and within the zone in subdivision 1 set forth where the total gross weight on any two or more consecutive axles of any vehicle or combination of vehicles exceeds the product of the coefficient named below multiplied by the sum of 40 plus the distance in feet between the first and last axles of the group of axles under consideration. A coefficient of 800 shall be used where a group of two consecutive axles is under consideration, a coefficient of 860 shall be used where a group of three consecutive axles is under consideration; a coefficient of 900 shall be used where a group of four consecutive axles is under consideration; and a coefficient of 920 shall be used where a group of five or more consecutive axles is under consideration.

(6) (3) In all cases where gross weights in an amount less than those set forth in this subdivision set forth are fixed, limited or restricted on any highway or bridge by or pursuant to any other section of this chapter such the lesser gross weights as so fixed, limited or restricted shall not be exceeded and in such case shall control instead of the gross weights set forth in this subdivision set forth.

Sec. 6. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.832] [WEIGHT LIMITATIONS ON INTERSTATE HIGHWAYS AND DESIGNATED ROUTES.] *Subdivision 1. [APPLICATION.] The provisions of this section apply on routes designated by the commissioner of transportation pursuant to subdivisions 11 and 12, and on all interstate highways.*

Subd. 2. [LIMITATIONS.] No vehicle or combination of vehicles equipped with pneumatic tires shall have a gross weight exceeding 10,000 pounds carried on any one wheel, including all enforcement tolerances; 20,000 pounds carried on any one axle, including all enforcement tolerances; 12,000 pounds on the steering axle of any truck tractor, except as provided in this subdivision, including all enforcement tolerances; or with a tandem axle weight in excess of 34,000 pounds; including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may

carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more, provided, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances. A truck tractor used in the transportation of motor vehicles or operated by a heavy specialized motor carrier as defined by the interstate commerce commission may exceed 12,000 pounds gross weight on the steering axle but shall in no event exceed 18,000 pounds gross weight on that axle.

Subd. 3. [GROSS WEIGHT SCHEDULE.] The distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration shall be measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used.

The following table is based on the formula provided in subdivision 2.

COMPUTED GROSS WEIGHT TABLE

For various spacings of axle groupings

$$\text{Weight Formula } W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

Distance in feet
between the
extremes of any
group of two or
more consecu-
tive axles
(wheelbases)

Maximum Computed Weight in Pounds for
any Group of Two or More
Consecutive Axles (wheelbases)

	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
4	34,000				
5	35,000				
6	36,000				
7	37,000				
8	38,000	42,000			
9	39,000	43,000			
10	40,000	43,500			
11		44,500			
12		45,000	50,000		
13		46,000	50,500		
14		46,500	51,500		
15		47,500	52,000		
16		48,000	52,500	58,000	

<i>17</i>	<i>49,000</i>	<i>53,500</i>	<i>58,500</i>	
<i>18</i>	<i>49,500</i>	<i>54,000</i>	<i>59,500</i>	
<i>19</i>	<i>50,500</i>	<i>54,500</i>	<i>60,000</i>	
<i>20</i>	<i>51,000</i>	<i>55,500</i>	<i>60,500</i>	<i>66,000</i>
<i>21</i>	<i>52,000</i>	<i>56,000</i>	<i>61,000</i>	<i>66,500</i>
<i>22</i>	<i>52,500</i>	<i>56,500</i>	<i>62,000</i>	<i>67,000</i>
<i>23</i>	<i>53,500</i>	<i>57,500</i>	<i>62,500</i>	<i>68,000</i>
<i>24</i>	<i>54,000</i>	<i>58,000</i>	<i>63,000</i>	<i>68,500</i>
<i>25</i>	<i>55,000</i>	<i>58,500</i>	<i>63,500</i>	<i>69,000</i>
<i>26</i>	<i>55,500</i>	<i>59,500</i>	<i>64,500</i>	<i>69,500</i>
<i>27</i>	<i>56,500</i>	<i>60,000</i>	<i>65,000</i>	<i>70,000</i>
<i>28</i>	<i>57,000</i>	<i>60,500</i>	<i>65,500</i>	<i>71,000</i>
<i>29</i>	<i>58,000</i>	<i>61,500</i>	<i>66,000</i>	<i>71,500</i>
<i>30</i>	<i>58,500</i>	<i>62,000</i>	<i>67,000</i>	<i>72,000</i>
<i>31</i>	<i>59,500</i>	<i>63,000</i>	<i>67,500</i>	<i>72,500</i>
<i>32</i>	<i>60,000</i>	<i>63,500</i>	<i>68,000</i>	<i>73,000</i>
<i>33</i>		<i>64,000</i>	<i>68,500</i>	<i>74,000</i>
<i>34</i>		<i>64,500</i>	<i>69,500</i>	<i>74,500</i>
<i>35</i>		<i>65,500</i>	<i>70,000</i>	<i>75,000</i>
<i>36</i>		<i>66,000</i>	<i>70,500</i>	<i>75,500</i>
<i>37</i>		<i>66,500</i>	<i>71,000</i>	<i>76,000</i>
<i>38</i>		<i>67,500</i>	<i>72,000</i>	<i>77,000</i>
<i>39</i>		<i>68,000</i>	<i>72,500</i>	<i>77,500</i>
<i>40</i>		<i>68,500</i>	<i>73,000</i>	<i>78,000</i>
<i>41</i>		<i>69,500</i>	<i>73,500</i>	<i>78,500</i>
<i>42</i>		<i>70,000</i>	<i>74,500</i>	<i>79,000</i>
<i>43</i>		<i>70,500</i>	<i>75,000</i>	<i>80,000</i>
<i>44</i>		<i>71,500</i>	<i>75,500</i>	
<i>45</i>		<i>72,000</i>	<i>76,000</i>	
<i>46</i>		<i>72,500</i>	<i>77,000</i>	
<i>47</i>		<i>73,500</i>	<i>77,500</i>	
<i>48</i>		<i>74,000</i>	<i>78,000</i>	
<i>49</i>		<i>74,500</i>	<i>78,500</i>	
<i>50</i>		<i>75,500</i>	<i>79,500</i>	
<i>51</i>		<i>76,000</i>	<i>80,000</i>	

The permissible loads are rounded up to the nearest 500 pounds.

Notwithstanding any lesser weight in pounds shown in this table, two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

Subd. 4. Except on interstate highways, the limitations provided in this section shall be increased by ten percent for haulers of raw and unfinished wood products during the times and within the zones specified in section 169.83, subdivision 1, clause 3.

Subd. 5. [EFFECT OF OTHER WEIGHT RESTRICTIONS.] *In all cases where gross weights in an amount less than those permitted under this section are fixed, limited or restricted on any highway or bridge by or pursuant to any other section of this chapter except section 169.83 such lesser gross weights as so fixed, limited or restricted shall not be exceeded and shall control instead of the gross weights permitted under this section.*

Subd. 6. [SINGLE WHEEL DEFINED.] *For the purposes of subdivision 2, two or more wheels less than 48 inches apart on an axle shall be deemed a single wheel; provided that two or more wheels less than 48 inches apart on an axle on vehicles in operation and registered in this state on November 13, 1971, shall be counted as separate wheels.*

Subd. 7. [COMBINED VEHICLES, CONSECUTIVE AXLE WEIGHT.] *For the purposes of the gross weight table in subdivision 3, the maximum gross weight in pounds on a group of four consecutive axles of any combination of vehicles having a total of four or more axles shall also apply to four consecutive axles of any vehicle, and no vehicle alone, nor any vehicle of a combination of vehicles, shall be equipped with more than four axles; provided that the limitation on the number of axles as herein provided shall not apply to any vehicle operated under permit pursuant to section 169.86.*

Subd. 8. [SINGLE AXLE.] *A single axle as used in this section is defined as including all wheels whose centers may be included within two parallel transverse vertical planes 40 inches apart. In no event shall the front steering axle of any motor vehicle or combination of vehicles equipped with pneumatic tires exceed a gross weight of 18,000 pounds.*

Subd. 9. [VEHICLES NOT EQUIPPED WITH PNEUMATIC TIRES.] *A vehicle or combination of vehicles not equipped with pneumatic tires shall be governed by the provisions of subdivisions 2, 3, and 8, except that the gross weight limitations shall be reduced by 40 percent.*

Subd. 10. [EXCEPTION.] *The provisions of this section shall not apply to vehicles operated exclusively in any city in this state which has in force and effect an ordinance regulating the gross weight of vehicles operated therein.*

Subd. 11. [DESIGNATION OF ROUTES.] *The commissioner*

may designate any street or highway route or segment of a route to carry the gross weights permitted under this section subject to the approval of any local authority having jurisdiction over the route. A route may not be designated if the commissioner finds that designation

(a) creates an undue hazard to traffic safety; or

(b) is inconsistent with structural capacity of the route, including consideration of the volume of traffic expected to occur on the route after designation.

Notwithstanding any finding under clause (b), the commissioner shall designate any route which he determines is needed to provide

(i) a connection between significant centers of population or commerce, or between other designated routes; or

(ii) access to a transportation terminal; or

(iii) temporary emergency service to a particular shipping or receiving point on the route.

The commissioner may undesignate any route when continued designation is inconsistent with the provisions of this subdivision, subject to the approval of any local authority having jurisdiction over the route.

Except as provided in subdivision 12, any route designation or undesignation shall be effective when proposed and adopted as a rule in accordance with chapter 15. The commissioner shall propose the designation or undesignation of any route when requested by any local authority having jurisdiction over the route. The commissioner shall propose rules or amendments to rules for the purpose of route designation or undesignation only once in any calendar year.

Subd. 12. The commissioner may exercise emergency rule making power pursuant to section 15.0412, subdivision 5, to designate or undesignate a route to carry the gross weights permitted under this section, subject to the approval of any local authority having jurisdiction over the route, whenever the commissioner determines that an emergency transportation need requires such action.

Sec. 7. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.834] [COUNTY WEIGHT ENFORCEMENT REPORT.]
No later than July 1 of each year the sheriff of each county shall file with the commissioner of transportation a report showing:

(a) the number of scales operated by the sheriff to enforce vehicle weight limitations on highways in the county;

(b) the number of vehicles or combinations of vehicles weighed by the sheriff during the preceding calendar year; and

(c) the number of citations, if any, issued to vehicle operators violating the weight limitations provided in section 169.83 or section 6 during the preceding calendar year.

The report may include the number of convictions, as defined in section 171.01, subdivision 13, in the previous calendar year resulting from citations issued by the sheriff for violations of section 169.83 or section 6. The report shall be on a form provided by the commissioner.

Sec. 8. Minnesota Statutes 1976, Section 169.85, is amended to read:

169.85 [WEIGHING; PENALTY.] Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest public scales in the event such scales are within five miles. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. When any weigh station upon a trunk highway or interstate highway is open and signs giving notice of that fact are posted in accordance with section 169.06 and are not posted more than one mile from the weigh station, the driver of every vehicle or combination of vehicles registered for or weighing in excess of 11,000 pounds, except buses registered in this state, shall comply with the direction of the signs and submit the vehicle to weighing and inspection at the weigh station.

~~When an officer, Upon weighing a vehicle and load, as above provided above , an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under this chapter. A driver shall be required to unload a vehicle only if the weighing officer determines that (a) the weight on any axle exceeds the lawful gross weight as prescribed by section 169.83, by 2,000 pounds or more ; ; or when (b) the weight on any group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight as prescribed by section 169.83, by 4,000 pounds or more ; or (c) notwithstanding a determination under clauses (a) or (b), the overall weight of the vehicle or the weight on any axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 6, subdivision 2, on any interstate highway; and in all cases when or (d) the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section 169.87 ; he may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter . All material so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver.~~

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing as required herein, or who fails or refuses, when directed by an officer upon a weighing of the

vehicle, to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 1976, Section 169.86, is amended by adding a subdivision to read:

Subd. 1a. [SEASONAL PERMITS FOR CERTAIN HAULERS.] The commissioner of transportation, upon application in writing therefor, may issue special permits annually to any hauler of raw and unfinished forest products authorizing the hauler to move vehicles or combinations of vehicles with weights exceeding by not more than ten percent the weight limitations contained in section 6, on interstate highways during the times and within the zones specified in section 169.83, subdivision 1, clause 3.

In all cases where gross weights in an amount less than those permitted under this subdivision are fixed, limited or restricted on any interstate highway or bridge thereon by or pursuant to any other section of this chapter the lesser gross weights as so fixed, limited or restricted shall not be exceeded and shall control instead of the gross weights permitted under this subdivision.

Sec. 10. [FIRST DESIGNATION OF ROUTES.] *Notwithstanding the rule making provisions of section 6, subdivision 11, to the contrary, the commissioner shall, no later than November 1, 1977, designate those routes upon which the weights permitted under section 6 will be allowed to be carried during calendar year 1978, which designations shall be effective upon publication in the state register without any further rule making proceedings. These designations shall not be effective after December 31, 1978.*

Sec. 11. [EFFECTIVE DATE.] *Section 3 of this act is effective November 15, 1980, for the vehicle registration year 1981, and subsequent years. The optional five year semitrailer fee provided in section 1 is effective November 15, 1978, for the registration year 1979, and subsequent years, provided that the commissioner of public safety may issue the first five year semitrailer license plates at a later date and permit registration for the duration of the period preceding issuance of those plates upon payment of a prorated portion of the \$50 fee. Section 6, subdivision 11, section 7, section 10, and this section are effective the day following final enactment. The remaining provisions of this act are effective November 15, 1977, for the vehicle registration year 1978 and subsequent years. "*

Amend the title as follows:

Page 1, strike lines 2 to 8 and insert:

"relating to motor vehicles; increasing gross weight limitations on interstate highways and routes designated by the commissioner of transportation; increasing truck registration taxes on heaviest trucks; establishing procedures for route designation and undesignation; requiring weight enforcement reports by county sheriffs; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1e and 12; 169.79; 169.83, Subdivisions 1 and 2; 169.85; 169.86, by adding a subdivision; and Chapter 169, by adding sections."

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

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

S. F. No. 185: A bill for an act relating to education; Montessori schools; excluding Montessori schools from day care regulation; amending Minnesota Statutes 1976, Section 245.791.

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

Page 2, line 32, strike "in the judgment of" and insert "*in*, pursuant to rules promulgated by"

Page 3, line 1, strike "commissioner" and insert "*state board*"

Page 3, line 1, after "education" insert a comma

Page 3, line 4, after "of" strike "the"

Page 3, line 4, strike "therein. The"

Page 3, line 5, before "classrooms" insert "*in*"

Page 3, line 5, strike "shall meet" and insert "*in which case*"

Page 3, line 6, strike "," and insert "*shall apply*"

Page 3, lines 7 through 10, strike the new language

Further, amend the title as follows:

Page 1, line 2, strike "Montessori schools;"

Page 1, line 3, strike "Montessori schools" and insert "facilities operated for the primary purpose of educating children"

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

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

S. F. No. 26: A bill for an act relating to game and fish; seasons for taking of certain fish; amending Minnesota Statutes 1976, Section 101.41, Subdivisions 2 and 4.

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

Amend the title as follows:

Page 1, line 2, after the semicolon insert "extending"

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

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

S. F. No. 72: A bill for an act relating to natural resources;

authorizing the conveyance by the state of certain lands known as Battle Point to Todd county; amending Minnesota Statutes 1976, Section 84.163.

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

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

S. F. No. 78: A bill for an act relating to public indebtedness; investment of debt service funds; amending Minnesota Statutes 1976, Section 475.66, Subdivisions 1 and 2.

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

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

H. F. No. 511: A bill for an act relating to the state transportation system; correcting conditions of a bond authorization; amending Laws 1976, Chapter 339, Section 3.

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

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

S. F. No. 381: A bill for an act relating to game and fish; removal of beaver and destruction of dams; seasons for taking beaver, fox, and wild turkey; hours for taking trout; amending Minnesota Statutes 1976, Sections 97.56; 97.57; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; and 101.42, Subdivision 8.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 97.56, is amended to read:

97.56 [REMOVAL OF BEAVER FROM STATE-OWNED LANDS.] In any county in the state where the board of county commissioners shall have unanimately requested by resolution request him to do so, the commissioner of natural resources shall may take necessary steps to remove beaver, at state expense, from state owned lands located in that county.

Sec. 2. Minnesota Statutes 1976, Section 98.46, Subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

(1) To take small game, \$5;

(2) To take deer or bear, or both, with firearms during the period in which the licensee may take deer, \$10;

(3) To take deer or bear, or both, with bow and arrow during the period in which the licensee may take deer, \$10;

(4) To take fish by angling, \$5;

(5) Combination husband and wife, to take fish by angling, \$8;

(6) To take moose, \$100 for an individual or for a party of not to exceed four persons;

(7) To take bear only, \$7.50 ;

(8) *To take turkeys, \$10, in addition to a small game license .*

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 2a, is amended to read:

Subd. 2a. The commissioner of natural resources ~~may~~ shall issue Minnesota sportsman licenses. The licenses shall be issued to residents only. The fee for licenses shall be ~~\$17~~ \$8.50 if the angling license is for one person and ~~\$19~~ \$11 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482.

The license shall authorize the licensee to:

(1) Take small game;

(2) Take fish by angling ;

~~(3) Take deer or bear with firearms during the period in which the licensee may take deer; or take deer or bear with bow and arrow during the period in which the licensee may take deer .~~

Sec. 4. Minnesota Statutes 1976, Section 98.46, Subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to non-residents, shall be:

(1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25;

(2) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, \$60;

(3) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, \$25;

(4) To take bear, \$25.25 ;

(5) *To take turkeys, \$30, in addition to a small game license .*

Sec. 5. Minnesota Statutes 1976, Section 100.26, Subdivision 1, is amended to read:

100.26 [UNPROTECTED ANIMALS.] Subdivision 1. Weasel, ~~beaver~~, coyote (brush wolf), ~~fox~~, gopher, porcupine, badger, and all other quadrupeds for which no closed season or other protec-

tion is accorded by chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, except in the manner authorized by sections ~~18.021 to 18.025~~ *section 18.022*. It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals. ~~The taking of any species of bear may be permitted by order of the commissioner without a license therefor in such areas of the state and during such periods as he may deem necessary, upon a determination that the predation of bear represents a threat to livestock or other property. No fox may be removed from a den or trapped within 300 feet of a fox den during the period beginning April 1 and ending August 31 of each year. No person may sell live fox without a permit from the commissioner authorizing the sale of fox.~~

Sec. 6. Minnesota Statutes 1976, Section 100.27, Subdivision 1, is amended to read:

100.27 [SEASONS.] Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, fisher, *or wolverine*, *or wild turkeys*.

Sec. 7. Minnesota Statutes 1976, Section 100.27, Subdivision 3, is amended to read:

Subd. 3. *The commissioner shall prescribe by order the areas within the state and any other restrictions under which the following animals may be taken and possessed, subject to all other provisions of chapters 97 to 102, between the dates, if any, set opposite the species:*

(1) Grey and fox squirrels, October 15 and December 31 statewide; and during ~~such any other times, within such any areas,~~ and subject to ~~such any other~~ restrictions as the commissioner by order may prescribe;

(2) Jack rabbits, cottontail rabbits and varying hare or snowshoe rabbits, September 16 and March 1;

(3) Raccoon ~~may be taken and possessed, subject to the provisions of chapters 97 to 102 and the restrictions imposed by order of the commissioner between~~, October 15 and December 31 statewide. Notwithstanding the restrictions imposed by this subdivision, raccoon may be treed without being taken by the use of dogs at any time during year;

(4) Lynx, *or bobcat* with the length of the season, if any, *for either species* determined by the commissioner based upon population estimates of ~~lynx either species~~ within the state ;

(5) *Fox, provided that no fox may be removed from a den*

or trapped within 300 feet of a fox den during the period from April 1 and ending August 31 of each year;

(6) Fisher.

Sec. 8. Minnesota Statutes 1976, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. Muskrats may be taken for a period not exceeding 60 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in such the areas of the state and , during such the times between November 1st and April 30th of the following year and subject to such regulations as any other restrictions which the commissioner shall prescribe , between November 1 and April 30 following, and . Beaver may be taken, by trapping only, for a period, or periods, not exceeding a total of 45 days, in such the areas of the state and , during such the times between November 1st and April 30th of the following year and subject to such regulations as any other restrictions which the commissioner shall prescribe , between November 1 and May 31 following, provided that during the calendar year 1975 there shall be no season open for the taking of beaver in that portion of the state lying northerly and easterly of a line commencing at the intersection of state trunk highway numbered 71 and the Canadian border and running southerly along state trunk highway numbered 71 to its intersection with state trunk highway numbered 6, thence southerly along state trunk highway numbered 6 to its intersection with state trunk highway numbered 18, thence easterly along state trunk highway numbered 18 to its intersection with state highway numbered 23, thence northeasterly along state trunk highway numbered 23 to Duluth except Pine county; provided further that in the portion of the state lying northerly and easterly of the line previously described that beaver may be taken in the calendar year 1976 and following, in the manner and subject to regulations described above, but only for a period, or periods, not exceeding a total of 45 days between November 1 and May 31 following .

Sec. 9. Minnesota Statutes 1976, Section 100.27, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise expressly provided, quail, partridges or ruffed grouse, Canada spruce grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge or , chukar partridge, or turkeys (*meleagris gallopavo*) may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in such the areas of the state and during such the times between September 16 and December 31, as which the commissioner shall prescribe. The commissioner may by order prescribe an additional period for the taking of turkeys in the spring.

Sec. 10. Minnesota Statutes 1976, Section 100.27, Subdivision 7, is amended to read:

Subd. 7. ~~Badger~~, Mink, squirrels, rabbits, hares, raccoon, lynx, bobcat, fox, or beaver may be taken in any manner, except by poison, or artificial lights in closed season, by the actual occupant or owner of any land whereon the animals so killed are causing any damage or injury. Upon so killing any such animal, *other than squirrels, rabbits, and hares*, the entire carcass, including the hide, shall be turned over and surrendered to the nearest conservation officer or employee of the division within 24 hours of the time ~~such~~ *the* animal was killed.

Sec. 11. Minnesota Statutes 1976, Section 100.28, Subdivision 1, is amended to read:

100.28 [LIMITS.] Subdivision 1. Not more than one deer ~~or ten beaver~~ shall be taken by any licensee during any one year.

Sec. 12. Minnesota Statutes 1976, Section 101.42, Subdivision 8, is amended to read:

Subd. 8. Except as otherwise specifically permitted, it shall be unlawful to take trout, except lake trout, ~~on the opening day of the season prior to the hour of 10:00 A.M., Central Standard Time, or on any other day of the open season, between 11:00 P.M., Central Standard Time, 11 p.m. and one hour before sunrise.~~

Sec. 13. Laws 1961, Chapter 66, Section 1, as amended by Laws 1971, Chapter 867, Section 1, is amended to read:

Section 1. [GAME AND FISH; SMALL GAME HUNTING LICENSES; WILDLIFE DEVELOPMENT, EXTENSION OF PROGRAM.] The provisions of Laws 1957, Chapter 644, Sections 1 to 4 appearing in Minnesota Statutes ~~1969~~ 1976 as Sections 97.481 to 97.484 inclusive, shall continue in effect until ~~December 31, 1978~~ *February 28, 1985*, notwithstanding any provision of Laws 1957, Chapter 644, Section 5, to the contrary.

Sec. 14. *Minnesota Statutes 1976, Section 348.071, is repealed.*

Sec. 15. *Sections 1 and 12 are effective the day following final enactment."*

Further, amend the title by striking it in its entirety and inserting:

"A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended;

repealing Minnesota Statutes 1976, Section 348.071."

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

Mr. Davies from the Committee on Judiciary, to which was re-referred

S. F. No. 16: A bill for an act proposing an amendment to the Minnesota Constitution, Article VII, Section 6; providing that all eligible voters may hold most elective offices.

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

Page 1, line 7, strike "An" and insert "The following"

Page 1, line 17, after "The" insert "proposed"

Page 1, line 17, after "submitted" insert "to the people"

Page 1, line 19, strike "permit" and insert "lower the age of eligibility"

Page 1, line 20, strike "all eligible voters"

Page 1, line 20, before the question mark insert "from 21 to 18 years of age"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 380: A bill for an act relating to courts; lapse of causes of action arising outside the state; amending Minnesota Statutes 1976, Section 541.14.

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

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

S. F. No. 377: A bill for an act relating to credit union mergers; amending Minnesota Statutes 1976, Section 52.203.

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

Page 2, line 19, strike "*potential*" and insert "*eligible*"

Page 2, line 19, strike "*within the*"

Page 2, line 20, strike "*field of membership*"

Page 3, line 1, strike "1978" and insert "1977"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "clarifying membership for merged credit unions;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

H. F. No. 283: A bill for an act relating to securities; disciplinary action against a licensee; clarifying the time for initiating a proceeding; amending Minnesota Statutes 1976, Sections 80A.07, Subdivision 2, and 80A.21, Subdivision 1.

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

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

S. F. No. 401: A bill for an act relating to motor vehicles; regulation of certain motor vehicle dealers; place of doing business; amending Minnesota Statutes 1976, Section 168.27, Subdivision 10.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 168.27, Subdivision 2, is amended to read:

Subd. 2. [NEW MOTOR VEHICLE DEALER.] No person shall engage in the business of selling new motor vehicles or shall offer to sell, solicit or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer licensee shall be entitled thereunder to sell, broker, wholesale or auction and to solicit and advertise the sale, broker, wholesale or auction of new motor vehicles covered by his franchise and any used motor vehicles or to lease, broker, wholesale or auction and to solicit and advertise the sale, lease, broker, wholesale or auction of both new motor vehicles covered by his franchise and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer.

Sec. 2. Minnesota Statutes 1976, Section 168.27, Subdivision 10, is amended to read:

Subd. 10. [PLACE OF DOING BUSINESS.] All licensees under this section shall have an established place of business which shall include as a minimum,

(1) For a new motor vehicle dealer, the following:

(a) a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours;

(b) a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicle or new motor vehicles he proposes to ~~deal in~~ *sell, broker, wholesale or auction;*

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services.

(2) For a used motor vehicle dealer the following: a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space for the books, records and files necessary to conduct the business and maintained with personnel available during normal business hours or automatic telephone answering service during normal working hours.

(3) For a motor vehicle lessor, the following: a ~~permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee.~~ The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(4) For a motor vehicle broker, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(5) For a motor vehicle wholesaler, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(7) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) If a motor vehicle lessor, broker or auctioneer maintains

more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required.

Sec. 3. This act is effective on the day following final enactment."

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to motor vehicles; modifying certain motor vehicle dealer licensing requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 2 and 10."

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 321, 250, 332, 218, 170, 107, 305, 267 and H. F. No. 38, makes the following report:

That S. F. No. 218 be placed on the Consent Calendar.

That S. F. Nos. 321, 250, 332, 170, 107, 305 and 267 be placed on the General Orders Calendar.

That H. F. No. 38 be placed on the General Orders Calendar.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 72 and 377 were read the second time.

S. F. Nos. 26, 78, 381, 380 and 401 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. 511 was read the second time.

H. F. No. 283 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Keefe, S. moved that the name of Mr. Merriam be added as co-author to S. F. No. 570. The motion prevailed.

Mr. Luther moved that the name of Mr. Vega be added as co-author to S. F. No. 632. The motion prevailed.

Mr. Stokowski moved that the name of Mr. Vega be added as co-author to S. F. No. 633. The motion prevailed.

Mr. Stokowski moved that the name of Mr. Vega be added as co-author to S. F. No. 636. The motion prevailed.

Mr. Peterson moved that the name of Mr. Lessard be added as co-author to S. F. No. 639. The motion prevailed.

Mr. Vega moved that the name of Mr. Sikorski be added as co-author to S. F. No. 654. The motion prevailed.

Mr. Humphrey moved that the names of Messrs. Borden, Knoll and Vega be added as co-authors to S. F. No. 655. The motion prevailed.

Mr. Merriam moved that the name of Mr. Frederick be added as co-author to S. F. No. 659. The motion prevailed.

Mr. Tennesen moved that the name of Mr. Gearty be stricken and the name of Mr. Tennesen be shown as Chief Author to S. F. No. 311. The motion prevailed.

Mr. Strand moved to amend the mileage report adopted by the Senate February 15, 1977; after his name strike "350" and insert "340". The motion prevailed.

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported March 7, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 7, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

WATER RESOURCES BOARD

Merlyn B. Knudson, Box 15, Kettle River, Carlton County, effective December 15, 1976, for a term expiring January 1, 1980.

The motion prevailed. So the appointment was confirmed.

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

THIRD READING OF SENATE BILLS

S. F. No. 76: A bill for an act relating to commerce; extending the effective date of certain provisions of law that require tents and sleeping bags to be flame resistant; amending Laws 1975, Chapter 341, Section 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Sikorski voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 70: A bill for an act relating to judgments; providing for enforcement of foreign judgments in courts of this state.

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 48 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knutson	Penny	Stokowski
Bang	Frederick	Laufenburger	Perpich	Strand
Benedict	Gearty	Lessard	Peterson	Stumpf
Bernhagen	Gunderson	Merriam	Purfeerst	Tennessen
Borden	Hanson	Milton	Renneke	Ueland, A.
Brataas	Hughes	Moe	Schaaf	Vega
Chenoweth	Humphrey	Nelson	Schmitz	Wegener
Coleman	Jensen	Nichols	Setzepfandt	Willet
Davies	Keefe, J.	Ogdahl	Solon	
Dunn	Kirchner	Olhoff	Staples	

Those who voted in the negative were:

Dieterich	Lewis	Menning	Sikorski	Ulland, J.
Johnson	Luther	Olson	Sillers	
Keefe, S.	McCutcheon	Sieloff	Spear	

So the bill passed and its title was agreed to.

S. F. No. 201: A bill for an act relating to crimes; prohibiting devices intended to be used to avoid payment of long distance telecommunications services; prescribing penalties; amending Minnesota Statutes 1976, Section 609.785.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 166: A bill for an act relating to real estate; landlord and tenant; venue of actions brought to recover rent deposits; amending Minnesota Statutes 1976, Sections 487.30, by adding a subdivision; 488.04, by adding a subdivision; 488A.01, by adding a subdivision; 488A.12, Subdivision 3; 488A.18, Subdivision 4; 488A.29, Subdivision 3; and 504.20, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs Keefe, J. and Ogdahl voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 200: A bill for an act relating to banking; authorized investments and powers of savings banks; amending Minnesota Statutes 1976, Sections 50.14, Subdivision 5; 50.148; and 50.157.

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

So the bill passed and its title was agreed to.

S. F. No. 254: A bill for an act relating to trusts; clarifying county court jurisdiction over trusts; permitting a trustee or beneficiary of a trust to petition the court to release jurisdiction over certain trusts; amending Minnesota Statutes 1976, Sections 501.11; 501.12, Subdivision 3; 501.17; 501.211, Subdivision 4; 501.22, Subdivisions 2, 4, and 5; 501.23; 501.24; 501.25; 501.27; 501.33; 501.34; 501.35; 501.38; 501.42; 501.44; and Chapter 501, 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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 188: A bill for an act relating to crimes; correcting references in the laws relating to criminal sexual conduct; amending Minnesota Statutes 1976, Sections 246.43, Subdivision 1; 609.11, Subdivision 1; 609.195; 609.293, Subdivision 5; 609.32, Subdivisions 1, 3, and 4; 609.341, Subdivision 10; and Section 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Sieloff and Willet voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 183: A bill for an act relating to franchises; amending Minnesota Statutes 1976, Sections 80C.01, Subdivision 4; 80C.08, Subdivision 1; and 80C.09, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 290: A bill for an act relating to banks; amending the charter application appeals provisions; amending Minnesota Statutes 1976, Section 45.07.

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	Bernhagen	Coleman	Engler	Hanson
Ashbach	Borden	Davies	Frederick	Hughes
Bang	Brataas	Dieterich	Gearty	Humphrey
Benedict	Chenoweth	Dunn	Gunderson	Jensen

Johnson	McCutcheon	Olson	Sieloff	Tennessee
Keefe, J.	Menning	Penny	Sikorski	Ueland, A.
Keefe, S.	Merriam	Perpich	Sillers	Ulland, J.
Kirchner	Milton	Peterson	Solon	Vega
Knutson	Moe	Purfeerst	Spear	Wegener
Laufenburger	Nelson	Renneke	Staples	Willet
Lessard	Nichols	Schaaf	Stokowski	
Lewis	Ogdahl	Schmitz	Strand	
Luther	Olhoft	Setzepfandt	Stumpf	

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 12: A bill for an act relating to Independent School District No. 15 and Independent School District No. 911; providing for a transfer of property between the districts.

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the committee report on Permanent Rules be taken from the table. The motion prevailed.

Mr. Coleman moved that the foregoing committee report be adopted. The motion prevailed. Report adopted.

Mr. Coleman moved that the rules contained in the committee report be adopted as the Permanent Rules of the Senate.

Mr. Jensen moved to amend Rule 58 as follows:

“ COMMITTEE MEETINGS

58. All meetings of the Senate, its committees and subcommittees shall be open to the public *and subject to the provisions of the open meeting law, Minnesota Statutes, Section 471.705.*

To the extent practical, *the following notice procedure shall be*

followed. Meetings of all committees shall be announced to the public at least three calendar days prior to convening. The notice shall state the name of the committee, the bill or bills to be considered, the place and time of meeting. Such *The* notice shall be posted on all Senate bulletin boards in the Capitol, and the State Office Building. A notice shall be sent to the House of Representatives for posting as it ~~deems~~ *may deem* necessary."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 45, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	Renneke	Ulland, J.
Bang	Engler	Kirchner	Sieloff	
Bernhagen	Frederick	Knutson	Sillers	
Brataas	Jensen	Ogdahl	Ueland, A.	

Those who voted in the negative were:

Anderson	Hanson	McCutcheon	Penny	Solon
Benedict	Hughes	Menning	Perpich	Spear
Borden	Humphrey	Merriam	Peterson	Staples
Chenoweth	Johnson	Milton	Purfeerst	Stokowski
Coleman	Keefe, S.	Moe	Schaaf	Strand
Davies	Laufenburger	Nelson	Schmitz	Stumpf
Dieterich	Lessard	Nichols	Schrom	Vega
Gearty	Lewis	Olhoft	Setzepfandt	Wegener
Gunderson	Luther	Olson	Sikorski	Willet

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

The question recurred on the motion of Mr. Coleman.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 44 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	McCutcheon	Penny	Spear
Benedict	Hughes	Menning	Peterson	Staples
Borden	Humphrey	Merriam	Purfeerst	Stokowski
Chenoweth	Johnson	Milton	Schaaf	Strand
Coleman	Keefe, S.	Moe	Schmitz	Stumpf
Davies	Laufenburger	Nelson	Schrom	Vega
Dieterich	Lessard	Nichols	Setzepfandt	Wegener
Gearty	Lewis	Olhoft	Sikorski	Willet
Gunderson	Luther	Olson	Solon	

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Renneke	Ulland, J.
Bang	Engler	Kirchner	Sieloff	
Bernhagen	Frederick	Knutson	Sillers	
Brataas	Jensen	Ogdahl	Ueland, A.	

The motion prevailed. So the Permanent Rules were adopted.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, March 14, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-THIRD DAY

St. Paul, Minnesota, Monday, March 14, 1977

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

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

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

Bang	Gerty	Lewis	Peterson	Staples
Benedict	Gunderson	Luther	Pillsbury	Stokowski
Bernhagen	Hanson	McCutcheon	Purfeerst	Strand
Borden	Hughes	Merriam	Renneke	Stumpf
Brataas	Johnson	Milton	Schaaf	Tennessee
Chenoweth	Keefe, J.	Moe	Schmitz	Ueland, A.
Coleman	Kirchner	Nelson	Schrom	Ulland, J.
Davies	Kleinbaum	Nichols	Setzepfandt	Vega
Dieterich	Knoll	Ogdahl	Sieloff	Wegener
Dunn	Knutson	Olhoft	Sikorski	Willet
Engler	Laufenburger	Penny	Solon	
Frederick	Lessard	Perpich	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

Messrs. Anderson; Ashbach; Chmielewski; Humphrey; Jensen; Keefe, S.; Menning; Olson and Sillers were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Sieloff, Davies and Lessard introduced—

S. F. No. 718: A bill for an act relating to courts; jurors; ballots for selection; authorizing an alternative method of identification of jurors; amending Minnesota Statutes 1976, Section 593.07.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Davies and Lessard introduced—

S. F. No. 719: A bill for an act relating to courts; repealing the law that requires court clerks to make costs and disbursements reports to the county attorney in criminal cases; repealing Minnesota Statutes 1976, Section 485.09.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Davies and Lessard introduced —

S. F. No. 720: A bill for an act relating to fees; repealing the filing fee in certain juvenile court proceedings; repealing Minnesota Statutes 1976, Section 260.106, Subdivisions 1 and 2.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Davies and Lessard introduced—

S. F. No. 721: A bill for an act relating to veterinarians; license filing fee; amending Minnesota Statutes 1976, Section 156.09.

Referred to the Committee on Judiciary. Mr. Lewis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Sieloff, Davies and Lessard introduced—

S. F. No. 722: A bill for an act relating to courts; providing that petit jurors in probate court be selected in the same manner as petit jurors are selected in district court; amending Minnesota Statutes 1976, Section 525.013, by adding a subdivision; repealing Minnesota Statutes 1976, Section 525.013, Subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Jensen, Setzepfandt, Ashbach, Merriam and Engler introduced—

S. F. No. 723: A bill for an act relating to occupational safety and health; providing that no penalty be assessed if a violation is corrected within ten days of receipt of notice of the violation; amending Minnesota Statutes 1976, Section 182.661, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Dieterich; Knoll; Coleman; Keefe, S. and Pillsbury introduced—

S. F. No. 724: A bill for an act relating to crimes; repealing the crimes of fornication and consensual sodomy; repealing Minnesota Statutes 1976, Sections 609.293, Subdivision 5 and 609.34.

Referred to the Committee on Judiciary.

Messrs. Milton; Lewis; Keefe, J. and Keefe, S. introduced—

S. F. No. 725: A bill for an act relating to public welfare; medical assistance for the needy; limiting allowable charges for nonmedical assistance residents of nursing homes receiving medical assistance payments; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Borden, Schaaf, McCutcheon, Hanson and Strand introduced—

S. F. No. 726: A bill for an act relating to crimes; prohibiting the keeping of gambling records or devices; providing for minimum sentences for certain gambling felonies; providing for confiscation of gambling devices; amending Minnesota Statutes 1976, Sections 609.11; 609.76; and Chapter 609, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Borden, Schaaf, McCutcheon, Hanson and Strand introduced—

S. F. No. 727: A bill for an act relating to intoxicating and non-intoxicating liquor; suspension of licenses for gambling violations; amending Minnesota Statutes 1976, Section 340.135.

Referred to the Committee on Judiciary.

Messrs. Borden, Schaaf, McCutcheon, Hanson and Strand introduced—

S. F. No. 728: A bill for an act relating to crimes; requiring public utilities to discontinue the furnishing of facilities used for the transmittal of gambling information.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 729: A resolution applying to Congress to call a constitutional convention to provide for protection of all human life.

Referred to the Committee on Judiciary. Mr. Lewis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Setzepfandt, Moe, Olson, Renneke and Wegener introduced—

S. F. No. 730: A bill for an act relating to drainage; transferring the administration of judicial ditches to county boards; raising the interest rate limitation on ditch lien statements; improving the power of county boards to repair drainage systems; increasing the repair limit per year; amending Minnesota Statutes 1976, Sec-

tions 106.015, Subdivision 5; 106.371, Subdivision 2; and 106.471, Subdivisions 1, 2, and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Keefe, S.; Sikorski and Ueland, A. introduced—

S. F. No. 731: A bill for an act relating to state finance; authorizing payments pursuant to grievance resolutions; amending Minnesota Statutes 1976, Section 16A.17, Subdivision 7.

Referred to the Committee on Employment. Mr. Schaaf questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Kirchner, Purfeerst, Bang, Lewis and Milton introduced—

S. F. No. 732: A bill for an act relating to state government; creating the Minnesota sports facilities commission; prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes therefor; authorizing the commission to impose an admissions tax; imposing a wholesale liquor tax in the metropolitan area; requiring the completion of an environmental impact statement prior to construction of a new sports facility.

Referred to the Committee on Governmental Operations.

Messrs. Solon and Perpich introduced—

S. F. No. 733: A bill for an act relating to health; licensing certain facilities; amending Minnesota Statutes 1976, Section 144.50.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Dunn, Wegener, Engler, Gunderson and Olhoft introduced—

S. F. No. 734: A bill for an act relating to counties; providing for business days and hours for county offices and emergency closings; amending Minnesota Statutes 1976, Section 373.052.

Referred to the Committee on Local Government.

Messrs. Olhoft, Schaaf, McCutcheon, Merriam and Chmielewski introduced—

S. F. No. 735: A bill for an act relating to taxation; changing homestead base value for homesteads owned by certain disabled persons; amending Minnesota Statutes 1976, Section 273.122, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Humphrey, Spear, Stumpf and Anderson introduced—

S. F. No. 736: A bill for an act relating to education; providing for scholarships for Spanish-surnamed American students; appropriating money.

Referred to the Committee on Education.

Messrs. Hughes; Coleman; Ueland, A.; Dieterich and Keefe, S. introduced—

S. F. No. 737: A bill for an act relating to local government; providing leaves of absence for certain governmental officers and employees elected to city or county office; amending Minnesota Statutes 1976, Section 3.088, Subdivisions 1, 2 and 5.

Referred to the Committee on Elections.

Messrs. Laufenburger, Kleinbaum, Purfeerst, Schmitz and Engler introduced—

S. F. No. 738: A bill for an act relating to the state transportation system; authorizing the issuance of state bonds pursuant to Minnesota Statutes 1976, Section 174.51 and Article XI of the Constitution for the design, construction and reconstruction of bridges and bridge approaches; appropriating money.

Referred to the Committee on Transportation.

Mr. Hughes introduced—

S. F. No. 739: A bill for an act relating to financial institutions; providing for the kind of conventional home loans to be made at a floating rate of interest; amending Minnesota Statutes 1976, Section 47.20, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Milton, Lewis, Mrs. Staples, Messrs. Vega and Kirchner introduced—

S. F. No. 740: A bill for an act relating to health; providing injunctive relief for the state board of health; authorizing appeal to the district court; authorizing subpoenas.

Referred to the Committee on Judiciary.

Mr. Milton; Mrs. Staples; Messrs. Benedict; Keefe, S. and Lewis introduced—

S. F. No. 741: A bill for an act relating to public welfare; providing for experimental food stamp programs; appropriating money; amending Minnesota Statutes 1976, Chapter 256, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Milton and Hughes introduced—

S. F. No. 742: A bill for an act relating to the White Bear Lake conservation district; increasing membership on its governing board; providing for selection of board officers; amending Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Milton, Hughes, Kirchner, Perpich and Mrs. Staples introduced—

S. F. No. 743: A bill for an act relating to health; establishing a health program for pre-school children; providing for reimbursement to school districts; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Stokowski; Schaaf; Coleman; Ueland, A. and Jensen introduced—

S. F. No. 744: A bill for an act relating to elections; altering various provisions relating to ballots, judges, summary statements, canvasses and returns; amending Minnesota Statutes 1976, Sections 204A.18, Subdivision 1; 204A.39, by adding a subdivision; 204A.45, Subdivision 2; 204A.46; 204A.47; 204A.48; 204A.51, Subdivisions 2 and 3; and 204A.52, Subdivision 1; repealing Minnesota Statutes 1976, Section 204A.32, Subdivision 4.

Referred to the Committee on Elections.

Messrs. Merriam and Stokowski introduced—

S. F. No. 745: A bill for an act relating to recreational activities; creating the metropolitan sports facilities commission and prescribing its powers and duties; requiring the television broadcast within the metropolitan area of certain games; authorizing the metropolitan council to issue revenue bonds; providing for the construction and operation of a multipurpose domed sports facility; authorizing a tax on certain sales of intoxicating liquor and fermented malt beverages in the metropolitan area; providing for admissions tax at certain facilities; requiring the completion of an environmental impact statement prior to construction of a sports facility; providing for a tax levy; amending Minnesota Statutes 1976, Chapter 473, by adding sections.

Referred to the Committee on Governmental Operations.

Messrs. Davies, Sieloff and Nelson introduced—

S. F. No. 746: A bill for an act relating to limited partnerships; adopting the revised uniform limited partnership act; providing

definitions; requiring agent for service of process; providing and clarifying formation procedures; specifying powers and liabilities of limited partners; changing existing provisions for financing limited partnerships; providing for distribution, withdrawal, assignment of partnership interests and dissolution; providing for registration of foreign limited partnerships; specifying choice of law rules; authorizing derivative actions by limited partners; repealing Minnesota Statutes 1976, Chapter 322.

Referred to the Committee on Judiciary.

Messrs. Schaaf, Humphrey, Stokowski, Gearty and Benedict introduced—

S. F. No. 747: A bill for an act relating to the legislature; setting the number of members; amending Minnesota Statutes 1976, Section 2.021.

Referred to the Committee on Rules and Administration.

Messrs. Luther, Sikorski, Penny and Laufenburger introduced—

S. F. No. 748: A bill for an act relating to financial institutions; requiring annual disclosure of certain information.

Referred to the Committee on Commerce.

Mrs. Staples; Messrs. Keefe, J.; Benedict; Wegener and Chmielewski introduced—

S. F. No. 749: A bill for an act relating to municipalities; authorizing creation of storm sewer reserve funds within storm sewer improvement districts; authorizing special levies in anticipation of capital improvements and bond retirement in storm sewer improvement districts; amending Minnesota Statutes 1976, Chapter 444, by adding a section.

Referred to the Committee on Local Government.

Mr. Johnson introduced—

S. F. No. 750: A bill for an act relating to retirement; membership of Range Municipalities and Civic Association in the public employees retirement association; amending Minnesota Statutes 1976, Chapter 353, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. Johnson introduced—

S. F. No. 751: A bill for an act relating to snowmobiles; providing for operation on certain highways; amending Minnesota Statutes 1976, Section 84.87, Subdivision 3.

Referred to the Committee on Transportation. Mr. Johnson

questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Stokowski, McCutcheon and Ashbach introduced—

S. F. No. 752: A bill for an act relating to taxation; providing for use of cigarette tax stamping machines; appropriating money; amending Minnesota Statutes 1976, Section 297.03, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson and Willet introduced—

S. F. No. 753: A bill for an act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on trailers; dimensional specifications for trailer number plates; amending Minnesota Statutes 1976, Sections 168.013, Subdivision 1d; and 168.12.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Johnson, Setzepfandt and Chenoweth introduced—

S. F. No. 754: A bill for an act proposing an amendment to the Minnesota Constitution, Article VI, Sections 7 and 8; to provide for the nomination of persons for the office of judge by a nonpartisan judicial commission, and the election of judges.

Referred to the Committee on Judiciary.

Messrs. Johnson, Setzepfandt and Willet introduced—

S. F. No. 755: A bill for an act relating to juvenile courts; requiring disclosure to the news media of the names of children adjudicated delinquent for violating any state or local law or ordinance for a third time; amending Minnesota Statutes 1976, Section 260.161, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Hughes, Merriam, Sikorski, Bernhagen and Sieloff⁶⁰ introduced—

S. F. No. 756: A bill for an act relating to drivers licenses; aggravated violations; providing a penalty for operating a motor vehicle before the driver's license or driver's privilege has been reinstated following the cancellation, suspension or revocation thereof for certain offenses; amending Minnesota Statutes 1976, Section 171.245.

Referred to the Committee on Judiciary.

Messrs. Schaaf, Laufenburger, Vega, Penny and Setzepfandt introduced—

S. F. No. 757: A bill for an act relating to transportation; repealing the "Sunday holiday law"; allowing commercial vehicles to operate within 35 miles of cities of the first class on Sundays and legal holidays; repealing Minnesota Statutes 1976; Sections 221.191 and 221.211.

Referred to the Committee on Transportation.

Messrs. Schaaf, Gearty, Johnson, Borden and Ashbach introduced—

S. F. No. 758: A bill for an act relating to the offices of governor and lieutenant governor; providing for filling a vacancy in the office of lieutenant governor by appointment; changing the order of succession in event of vacancy in both the offices of the governor and lieutenant governor; providing for a special election for governor and lieutenant governor; proposing an amendment to Article V, Section 5, of the Minnesota Constitution; amending Minnesota Statutes 1976, Section 4.06.

Referred to the Committee on Elections.

Messrs. Schaaf, Borden, McCutcheon, Sikorski and Stokowski introduced—

S. F. No. 759: A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice telecommunications network; establishing the Minnesota justice information systems advisory council, providing for its membership and prescribing its powers and duties; amending Minnesota Statutes 1976; Sections 299C.45; 299C.46; 299C.48; and Chapter 299C, by adding a section.

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

Messrs. Knutson, Dunn, Hanson and Lessard introduced—

S. F. No. 760: A bill for an act relating to natural resources; establishing a season for taking deer and bear with muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.27, Subdivisions 2 and 9.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. McCutcheon, Olhoft, Milton, Borden and Kleinbaum introduced—

S. F. No. 761: A bill for an act relating to taxation; increasing the exemption for business excise tax; exempting ink and newsprint from sales tax; providing a new method for payment of occupation taxes; shifting the payment dates for local gov-

ernment aid; amending Minnesota Statutes 1976, Sections 290.031, Subdivision 4; 297A.14; 297A.25, Subdivision 1; 477A.01, Subdivision 4b; and Chapter 298, by adding sections.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schaaf, Coleman, Ashbach, Borden and McCutcheon introduced—

S. F. No. 762: A bill for an act relating to the operation of state government; centralizing the management and review of all state contracts in the office of the commissioner of administration; distinguishing consultant, professional and technical contracts; amending Minnesota Statutes 1976, Sections 15.061; 161.35; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Sections 4.19 and 16.10.

Referred to the Committee on Governmental Operations.

Messrs. Schaaf, McCutcheon and Stokowski introduced—

S. F. No. 763: A bill for an act relating to civil service; determining what names may be certified as eligible for certain promotions; amending Minnesota Statutes 1976, Section 43.18, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Chmielewski, Menning, Schrom, Bernhagen and Olhofft introduced—

S. F. No. 764: A resolution withdrawing ratification of a proposed amendment to the Constitution of the United States of America relating to equal rights for men and women under the law.

Referred to the Committee on Judiciary. Mr. Lewis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Purfeerst, Laufenburger, Kleinbaum, Frederick and Engler introduced—

S. F. No. 765: A bill for an act relating to motor vehicle and highway noise control; requiring the commissioner of transportation to implement noise abatement measures; prohibiting construction of acoustical barriers except where required on federal aid highways; requiring the commissioner of public safety to cooperate in noise abatement measures; requiring a study and report concerning motor vehicle source noise enforcement devices and methods; increasing the complement of the state patrol; appropriating money; amending Minnesota Statutes 1976, Chapter 161, by adding a section; repealing Minnesota Statutes 1976, Section 161.125.

Referred to the Committee on Transportation.

Messrs. Davies, Johnson, McCutcheon and Keefe, J. introduced—

S. F. No. 766: A bill for an act relating to crimes; public safety and health; dangerous weapons; short-barreled shotguns; providing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Spear, Borden, Ashbach, Solon and Keefe, S. introduced—

S. F. No. 767: A bill for an act relating to mortgages; authorizing appointment of a receiver upon foreclosure and upon a showing that a mortgagor has breached certain covenants in the mortgage; amending Minnesota Statutes 1976, Sections 559.17; and 576.01.

Referred to the Committee on Judiciary.

Messrs. Peterson, Coleman, Johnson, Stokowski and Sillers introduced—

S. F. No. 768: A bill for an act relating to taxation; providing for state income tax to be imposed on taxpayer's federal tax liability; removing agricultural electricity credit from the income tax return and providing for gasoline tax refund to be claimed on the return; amending Minnesota Statutes 1976, Sections 290.01, Subdivisions 1, 7, and by adding subdivisions; 290.03; 290.05; 290.06, by adding subdivisions; 290.07, Subdivisions 1 and 2; 290.32; 290.34, Subdivision 3; 290.37, Subdivisions 1 and 3; 290.38; 290.93, Subdivision 1; 290A.03, Subdivision 3; 296.18, Subdivisions 1, 1a, 2, and 3; 297A.25, Subdivision 1; and Chapter 290, by adding sections; repealing Minnesota Statutes 1976, Sections 290.01, Subdivisions 1a, 2, 3, 4, 5, 6, 8, 8a, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26; 290.011; 290.012; 290.02; 290.032; 290.04; 290.06, Subdivisions 1, 2b, 2c, 3a, 3b, 3c, 3d, 9 and 9a; 290.0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.07, Subdivisions 3, 4, 5, 5a, 6 and 7; 290.071; 290.072; 290.073; 290.075; 290.076; 290.077; 290.0781; 290.079; 290.08; 290.081; 290.085; 290.086; 290.087; 290.09; 290.095; 290.10; 290.101; 290.11; 290.12; 290.13; 290.131; 290.132; 290.133; 290.134; 290.135; 290.136; 290.137; 290.138; 290.139; 290.14; 290.15; 290.16; 290.17; 290.18; 290.19; 290.20; 290.21; 290.22; 290.23; 290.24; 290.25; 290.26; 290.27; 290.28; 290.281; 290.29; 290.30; 290.31; 290.311; 290.33; 290.35; 290.36; 290.361; 290.363; 290.39, Subdivision 2; 290.41; 290.501; 290.65; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; and 297A.35, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S. F. No. 769: A bill for an act relating to the town of White and the city of Aurora; providing for their separation.

Referred to the Committee on Local Government.

Mr. Menning, Mrs. Staples and Mr. Ashbach introduced—

S. F. No. 770: A bill for an act relating to public welfare; medical assistance for the needy; guidelines for nursing home costs; allowing certain costs not directly related to patient care; amending Minnesota Statutes 1976, Section 256B.47, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Tennessen and Gearty introduced—

S. F. No. 771: A bill for an act relating to public welfare; general assistance work programs; providing authority for local agencies to contract with nonprofit organizations for work program services; amending Minnesota Statutes 1976, Section 256D.11, Subdivision 4.

Referred to the Committee on Health, Welfare and Corrections. Mr. Laufenburger questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Vega, Lewis, Milton, Perpich and Mrs. Staples introduced—

S. F. No. 772: A bill for an act relating to public transportation; making state commuter vans available for use by blind vending operators working on state property; amending Minnesota Statutes 1976, Section 16.756.

Referred to the Committee on Transportation.

Mr. Engler introduced—

S. F. No. 773: A bill for an act relating to taxation; clarifying the definition of agricultural land subject to property tax; amending Minnesota Statutes 1976, Section 273.13, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olson, Johnson and Ueland, A. introduced—

S. F. No. 774: A bill for an act relating to intoxicating liquor; restrictions upon places of sale; amending Minnesota Statutes 1976, Sections 340.07, Subdivision 13; and 340.353, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Schaaf, Chenoweth, Stokowski, Merriam and Kirchner introduced—

S. F. No. 775: A bill for an act relating to regulated occupations; changing the number of apprentices who may be employed in barber shops; allowing registered cosmetologists to practice in barber shops; allowing registered barbers to practice in beauty shops; amending Minnesota Statutes 1976, Sections 154.03; 154.04; and 155.19.

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

Messrs. Schaaf, Chenoweth, Stokowski, Merriam and Kirchner introduced—

S. F. No. 776: A bill for an act relating to regulated occupations; changing the size of the board of barber examiners and the board of cosmetology; amending Minnesota Statutes 1976, Sections 154.22, 155.04 and 155.05; repealing Minnesota Statutes 1976, Chapter 186.

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

Mr. Borden introduced—

S. F. No. 777: A bill for an act relating to retirement; disability benefits for highway patrolmen; amending Minnesota Statutes 1976, Section 352B.10.

Referred to the Committee on Governmental Operations.

Messrs. Milton; Vega; Sikorski; Keefe, S. and Kirchner introduced—

S. F. No. 778: A bill for an act relating to public welfare; providing a homestead exemption in eligibility computations for certain medical assistance benefits; amending Minnesota Statutes 1976, Section 256B.06, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davies, Borden and Keefe, J. introduced—

S. F. No. 779: A bill for an act relating to land transfers; adopting the uniform simplification of land transfers act; repealing Minnesota Statutes 1976, Sections 507.24; 507.25; 507.26; 507.34; 507.35; 514.01 to 514.17; 541.02; and 541.023.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, J. and Borden introduced—

S. F. No. 780: A bill for an act relating to real estate; enacting the uniform land transactions act; providing a comprehensive law to govern real estate transactions; amending Minnesota Statutes 1976, Sections 507.32; 513.01; 541.01; 582.01; 582.03; repealing Minnesota Statutes 1976, Sections 507.07; 507.16; 513.04; 513.05; 559.17; 559.21; 559.213; 559.214; 581.01 to 581.11; 582.02; 582.04 to 582.10; 582.14; 582.15; and Chapter 580.

Referred to the Committee on Judiciary.

Messrs. McCutcheon; Coleman; Keefe, S. and Ogdahl introduced—

S. F. No. 781: A bill for an act relating to crimes; regulating the transfer of pistols; requiring a waiting period for pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; prescribing penalties; amending Minnesota Statutes 1976, Section 624.712, by adding a subdivision; and Chapter 624, by adding a section.

Referred to the Committee on Judiciary.

Mr. Milton introduced—

S. F. No. 782: A bill for an act relating to the city of White Bear Lake; firemen's service pensions and disability benefits; amending Laws 1971, Chapter 214, Section 1.

Referred to the Committee on Governmental Operations.

Messrs. Olson; Ulland, J.; Dunn; Hughes and Borden introduced—

S. F. No. 783: A bill for an act relating to libraries; requiring distribution of certain state publications to county and regional libraries; amending Minnesota Statutes 1976, Sections 15.051, Subdivision 4; 15.047, Subdivision 2; and 648.39, by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 37, 259, 352, 380, 383 and 296.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 10, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 37: A bill for an act relating to commerce; requiring individually marked prices on certain retail merchandise; providing exceptions; providing penalties.

Referred to the Committee on Commerce.

H. F. No. 259: A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

Referred to the Committee on Commerce.

H. F. No. 352: A bill for an act relating to game and fish; prohibiting the use of certain devices in fishing; amending Minnesota Statutes 1976, Section 101.42, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 380: A bill for an act relating to bicycles; registration; administration of the bicycle registration law; including unicycles within the definition of bicycle; clarifying provisions relating to bicycle registration; providing for the disposition of certain service fees charged in handling registrations; extending the time for the report of the commissioner of public safety to the legislature on recommendations for mandatory registration of bicycles; amending Minnesota Statutes 1976, Sections 168C.02, Subdivision 2; 168C.03; 168C.07; 168C.10; 168C.11, Subdivisions 1 and 2; 168C.12; 168C.13, Subdivision 1; and Laws 1976, Chapter 199, Section 14, Subdivision 2.

Referred to the Committee on General Legislation and Veterans Affairs.

H. F. No. 383: A bill for an act relating to agriculture; potato industry promotion; providing for an increase in the assessment levied; amending Minnesota Statutes 1976, Section 30.469.

Referred to the Committee on Rules and Administration.

H. F. No. 296: A bill for an act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association; providing protection for policyowners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota; amending Minnesota Statutes 1976, Sections 60B.17, by adding a subdivision; 60B.25; 60B.26, Subdivision 2; 60B.30, by adding a subdivision; and 60B.46, Subdivision 1.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 319: A bill for an act relating to crimes; repealing the law regulating admittance to public dances and the law proscribing holding of public dances at certain hours; amending Minnesota Statutes 1976, Sections 624.42, and 624.46; repealing Minnesota Statutes 1976, Sections 624.48, 624.49 and 624.51.

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

Page 1, lines 18 to 23, reinstate the stricken language

Page 2, line 1, reinstate the stricken language

Page 2, line 1, strike "When"

Page 2, strike lines 2 to 5

Page 3, strike lines 3 and 4

Amend the title as follows:

Page 1, line 2, strike "repealing the law regulating" and insert "regulating public dances"

Page 1, strike lines 3 and 4

Page 1, line 5, strike "hours"

Page 1, line 6, strike " ; repealing Minnesota Statutes" and insert a period

Page 1, strike line 7

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 194: A bill for an act relating to cemeteries; prohibiting trespassing on public or private cemeteries; providing penalties; amending Minnesota Statutes 1976, Section 307.08, Subdivision 1.

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

Page 1, line 8, strike "307.08" and insert "609.605"

Page 1, line 9, strike "Subdivision 1,"

Page 1, strike lines 10 to 21 and insert:

"609.605 [TRESPASSES AND OTHER ACTS.] Whoever intentionally does any of the following is guilty of a misdemeanor:

(1) Smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier; or

(2) Trespasses or permits animals under his control to trespass upon a railroad track; or

(3) Permits domestic animals or fowls under his control to go upon the lands of another within a city; or

(4) Interferes unlawfully with any monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land; or

(5) Trespasses upon the premises of another and, without claim of right, refuses to depart therefrom on demand of the lawful possessor thereof; or

(6) Occupies or enters the dwelling of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation. As used in this clause, "dwelling" means the building or part of the building used by an individual as a place of residence on either a full-time or a part-time basis. The dwelling may be part of a multi-dwelling or multi-purpose building, or a mobile home as defined in section 168.011, subdivision 8; or

(7) Enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing thereon without the permission of the owner or occupant; or

(8) Refuses the request of the operator of a public conveyance to either pay the required fare or leave the conveyance; or

(9) Takes any animal on a public conveyance without the consent of the operator; or

(10) Without the permission of the owner, tampers with or gets into or upon a motor vehicle as defined in section 609.55, subdivision 1, or rides in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner; or"

Page 1, line 22, strike "*Whoever*" and insert "(11)"

Page 2, line 1, strike "*other than*"

Page 2, line 2, strike "*normally*"

Page 2, line 2, strike "*open*" and insert "*posted as closed*"

Page 2, line 2, strike the second "*is*"

Page 2, line 3, strike "*guilty of a misdemeanor*"

Amend the title as follows:

Page 1, line 4, strike "307.08," and insert "609.605"

Page 1, line 5, strike "Subdivision 1"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 146: A bill for an act relating to health and safety; licensing and certification of ambulance services; amending Minnesota Statutes 1976, Chapter 144, by adding a section; Sections 144.801; 144.802; 144.803; 144.804; and 144.805.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 144.801, is amended to read:

144.801 [DEFINITIONS.] Subdivision 1. Unless the context requires otherwise, the definitions in this section govern the construction of sections 144.801 to 144.806. For the purposes of sections 144.801 to 144.807 and section 6, the terms defined in this section have the meaning given them.

Subd. 2. "Land ambulance" means any vehicle designed or intended for and actually used in providing land transportation of wounded, injured, sick, invalid, or incapacitated persons, or expectant mothers.

Subd. 3. "Ambulance" means a vehicle or other form of transportation which is designed or intended to be used in providing "Air ambulance" means any vehicle which is designed or intended for and actually used in providing air transportation of wounded, injured, sick, invalid, or incapacitated human beings, or expectant mothers.

Subd. 4. "Ambulance service" means:

(a) Transportation for a wounded, injured, sick, invalid, or incapacitated human being, or expectant mother which is regularly provided, or offered to be provided, to the public by any person or public or private agency; and

(b) Treatment which is rendered or offered to be rendered by any person employed to provide or assist in providing the transportation referred to in clause (a), whether such treatment is rendered or offered to be rendered preliminary to, during, or after such transportation.

Subd. 5a. "Non-emergency ambulance service" means transportation in an ambulance for individuals not requiring treatment while in the ambulance. "Emergency ambulance service" means transportation and treatment which is rendered or offered to be rendered preliminary to or during transportation for wounded, injured, sick, invalid, or incapacitated persons, or expectant mothers, provided by any operator.

Subd. 5. "Non-emergency ambulance service" means transportation to or from a health care facility for examination, diagnosis, treatment, therapy, or consultation for wounded, injured, sick, invalid, or incapacitated persons, or expectant mothers, provided by any operator. This service is transportation which is regularly provided, or offered to be provided, but which does not regularly necessitate treatment of the person which is being transported. Non-emergency ambulance service does not include the provision of transportation services to persons for whom the need for oxygen, resuscitation or aspiration is not reasonably foreseeable during transportation.

Subd. 4 6. "License" means authority granted by the state board of health for the operation of a *land emergency ambulance service, land non-emergency ambulance service, air emergency ambulance service, or air non-emergency ambulance service* in the state of Minnesota.

Subd. 5 7. "Operator" means a person, firm, partnership, corporation, service club, volunteer fire department, ~~municipality volunteer ambulance service, political subdivision~~ or other organization which has a license from the state board of health to provide *land emergency ambulance service, land non-emergency ambulance service, air emergency ambulance service, or air non-emergency ambulance service*.

Subd. 8. "Base of operation" means the political subdivision in which the physical plant housing ambulances, related equipment and personnel is located.

Subd. 9. "Newly established ambulance service" means an emergency ambulance service or non-emergency ambulance service which does not possess a current license to provide the specific type of ambulance service as set forth in subdivision 6 and intended to be offered from a base of operation.

Sec. 2. Minnesota Statutes 1976, Section 144.802, is amended to read:

144.802 [LICENSING.] *Subdivision 1. No operator shall operate a land emergency ambulance service, land non-emergency ambulance service, air emergency ambulance service or air non-emergency ambulance service within this state unless it possesses a valid license to do so issued by the state board of health. The license shall specify the location of the base of operation and the type or types of ambulance service for which the operator is licensed. The operator shall obtain a new license if it wishes to establish a new base of operation or provide a new type or types of service. Licenses shall not be transferable. If ownership of a service is transferred, a new license shall be issued upon the approval of the state board of health and a finding of conformance with all the requirements of Minnesota Statutes, Sections 144.801 to 144.806 and section 6. A public hearing shall not be required when there is a transfer of ownership. The cost of the license licenses shall be in an amount prescribed by the board pursuant to section 144.122. Licenses shall expire and be renewed as prescribed by the board pursuant to section 144.122.*

Subd. 2. The state board of health shall not issue licenses a license for the operation of a newly established ambulance service, a new type or types of ambulance service or a new base of operation for an existing ambulance service in the state unless the service meets the standards required by sections 144.801 to 144.806 and the applicant has demonstrated to the satisfaction of the state board of health at a public hearing that the public convenience and necessity require the proposed ambulance service.

Sec. 3. Minnesota Statutes 1976, Section 144.803, is amended to read:

144.803 [LICENSING; SUSPENSION AND REVOCATION.] The state board of health may, after hearing upon reasonable notice, suspend or revoke, *or refuse to renew* the license of an operator upon finding that the licensee has violated sections 144.801 to 144.806 *or section 6*. Proceedings by the state board of health pursuant to this section and review thereof shall be subject to the provisions of chapter 15.

Sec. 4. Minnesota Statutes 1976, Section 144.804, is amended to read:

144.804 [STANDARDS.] Subdivision 1. No publicly or privately owned ambulance service shall be operated in the state unless the drivers and attendants possess a current advanced American Red Cross first aid certificate *or an advanced first aid certificate issued by the United States bureau of mines or other first aid or emergency care certificate authorized by rules adopted by the state board of health pursuant to chapter 15*.

Subd. 2. Every ambulance offering emergency service shall be equipped with a stretcher and after ~~July August 1, 1975~~ 1979, a two-way radio communications system *which is in accordance with the state board of health statewide radio communications plan* and carry the minimal equipment recommended by the American College of Surgeons *or the equivalent as determined by standards adopted by the state board of health pursuant to chapter 15*.

Subd. 3. All *land* ambulances offering emergency service, whether publicly or privately owned, shall offer ambulance service 24 hours per day every day of the year and shall be staffed by a driver and *an attendant, physician or registered nurse*. An ambulance operated by a nonprofit entity and limiting its operation exclusively to providing emergency ambulance service by contract for specific events and meetings need not offer emergency service 24 hours per day every day of the year but shall meet all other legal standards for ambulance services offering emergency service. *Air ambulances shall be staffed by a pilot and an attendant, physician or registered nurse*. Whenever ~~an~~ a *land emergency* ambulance service shall find it impossible to arrange for an attendant to accompany the driver, the driver may proceed to answer an emergency call without an accompanying attendant, provided that the ambulance service shall make all reasonable efforts to arrange for an attendant to be present at the site of the emergency *and en-route to a health care facility*. Drivers and attendants are authorized to use only such equipment for which they are qualified by training.

All ambulances offering non-emergency service shall be equipped with oxygen and resuscitation and aspiration equipment. *After July 1, 1978 the oxygen, resuscitation and aspiration equipment must meet standards as specified by rules adopted by the state board of health pursuant to chapter 15*. No ambulance offering only non-emergency services shall be equipped with emergency warning lights or siren.

Subd. 4. Nothing in sections 144.801 to 144.806 shall prevent operation of a police emergency vehicle by one person nor affect

any statute or regulatory authority vested in the department of ~~transportation~~ *public safety* concerning automotive equipment and safety requirements.

Sec. 5. Minnesota Statutes 1976, Section 144.805, is amended to read:

144.805 [CHAUFFEURS LICENSES.] Any person driving an ambulance shall have a valid *class C* Minnesota driver's license. ~~A chauffeur's license issued under sections 168.39 to 168.44 is not required to drive an ambulance in Minnesota except that any person other than a fireman or law enforcement officer shall be required to possess a chauffeur's license to drive an ambulance based within a city of the first class.~~

Sec. 6. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.808] [INSPECTIONS.] *The state board of health may inspect ambulance services as frequently as deemed necessary. These inspections shall be for the purpose of determining that the ambulance and equipment is clean and in proper working order and if the operator is in compliance with sections 144.801 to 144.804 and any rules that the state board of health adopts related to sections 144.801 to 144.804.*

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 196: A bill for an act relating to welfare; establishing evening child care programs for students at certain educational institutions; appropriating money.

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

Page 1, line 16, strike "for the" and insert "under section 245.802"

Page 1, line 17, strike "evening care of children"

Page 2, line 8, after "welfare" strike "the" and insert "a"

Page 2, line 8, after "of" insert "up to"

Page 2, line 10, after "provide" insert "start up costs for"

Page 2, line 10, after the period insert "This will be a final and non-recurring appropriation."

Page 2, line 13, strike "the" and insert "a"

Page 2, line 13, after "of" insert "up to"

Page 2, line 13, after "provide" insert "start up costs for"

Page 2, line 14, after the period insert "This will be a final and non-recurring appropriation."

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 80: A bill for an act relating to ambulance services; reimbursing volunteer ambulance attendants for training school expenses; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.808] [REIMBURSEMENT TO NON-PROFIT AMBULANCE SERVICES.]

Any political subdivision, or non-profit hospital or non-profit corporation operating a licensed ambulance service shall be reimbursed by the department of health for the necessary expense of training volunteer ambulance attendants upon successful completion by the attendant of an emergency care course approved by the department. Reimbursable expense may include tuition, transportation, food, lodging, and other necessary expenditure; except that in no case shall the reimbursement for a single individual exceed \$210.

Sec. 2. There is hereby appropriated to the department of health \$ to reimburse ambulance services pursuant to this act.”

Amend the title as follows:

Page 1, line 2, after “reimbursing” insert “political subdivisions, non-profit hospitals or corporations for expenses of training”

Page 1, line 3, strike “for training school”

Page 1, line 4, strike “expenses”

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

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

S. F. No. 465: A bill for an act relating to transportation; prohibiting motorcyclists with instruction permits from driving on controlled access highways; amending Minnesota Statutes 1976, Section 169.974, Subdivision 2.

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

Page 2, line 16, strike “a”

Page 2, line 16, strike “controlled”

Page 2, line 17, strike “access” and insert “any interstate”

Amend the title as follows:

Page 1, line 4, strike "controlled access" and insert "interstate"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 257: A bill for an act relating to snowmobiles; providing for operation on certain highways; amending Minnesota Statutes 1976, Section 84.87, Subdivision 3.

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 312: A bill for an act relating to the historical society; establishing an interpretive center in the city of Moorhead.

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

Page 1, line 6, strike "Minnesota" and insert "Red River Valley"

Page 1, line 7, strike "in the city of Moorhead"

Page 1, line 7, strike "center" and insert "program"

Page 1, line 8, strike "Center" and insert "Program for the planning and development of an interpretive center in the city of Moorhead"

Page 1, line 9, before "center" insert "program and interpretive"

Page 1, line 10, after "centers" insert "prepared pursuant to laws 1975, Chapter 204, Section 55, Subdivision 5, clause (c)"

Amend the title as follows:

Page 1, line 3, before "an" insert "a program for"

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

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

S. F. No. 350: A bill for an act relating to elections; establishing a uniform municipal election day for election of county, city and school district officers, county and municipal judges and officers of all other political subdivisions except towns; requiring uniform and coordinated election precincts and polling places for municipalities and school districts; integrating municipal and school district election laws with laws applicable to other elections; providing state reimbursement to towns and cities for election costs; appropriating money; amending Minnesota Statutes 1976, Chapters 204A by adding a section; and 205 by adding sections; and Sections 40.05, Subdivisions 1, 3 and 4; 40.06, Subdivision 1; 123.12, Subdivisions 1 and 5; 123.33, Subdivision

1; 123.34, Subdivision 1; 123.351, Subdivisions 1 and 3; 200.02, Subdivisions 1, 8, and 24 and by adding subdivisions; 202A.52; 203A.17; 203A.32, Subdivision 3; 204A.06, Subdivision 1; 204A.11, Subdivision 3, and by adding a subdivision; 204A.40, Subdivision 2; 204A.45, Subdivision 1; 204A.47, Subdivision 2 and by adding a subdivision; 204A.48; 205.01; 205.021; 205.13; 205.14; 205.16, Subdivision 2; 207.02; 207.151; 209.02, Subdivisions 1 and 3; 398.04; and 410.21; repealing Minnesota Statutes 1976, Sections 123.015; 123.11, Subdivisions 2, 3, 4, 5 and 6; 123.32; 128.01; 128.02; 201.33; 205.02; 205.03; 205.07; 205.11; 205.18; 205.19; and 205.20.

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

Strike everything after the enacting clause and insert:

“ARTICLE I

LOCAL GOVERNMENT ELECTION DAY

Section 1. [LEGISLATIVE INTENT; CITATION.] *Subdivision 1. It is the purpose and intent of this act to increase public interest and participation in local elections and to draw the attention of the public and the news media to local government issues by the designation of a single, uniform, biennial date for all local elections in the state; to encourage more people to vote at local elections by permitting voters to cast their ballots in all local election contests, including school district, city and county elections, only once every two years and at a single, convenient polling place; to encourage more people to seek local elective offices by establishing a uniform time for filing for office; and to lower the administrative costs of local elections by eliminating separate dates and procedures for conducting local elections and providing a single, biennial election for all local offices conducted, as far as practicable, in the same manner as the statewide general election.*

Subd. 2. This act may be cited as the “Minnesota Local Government Election Day Act.”

Sec. 2. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.015] [LOCAL GOVERNMENT ELECTION DAY.] *Subdivision 1. [ESTABLISHMENT.] The first Tuesday after the second Monday in November in each odd numbered year is designated and shall be known as the “local government election day.”*

Subd. 2. [OFFICERS ELECTED.] The regular election of the elective officers of every county, city and school district, the judges of the county and municipal courts and the elective officers of every other political subdivision of the state except towns shall be held on the local government election day next preceding the expiration of their terms.

Subd. 3. [PRIMARY.] A primary election shall be held on the first Tuesday after the second Monday of October in each

odd numbered year to select the candidates for the offices to be filled on the local government election day.

No primary shall be held to select candidates for any nonpartisan office when only two persons file for nomination for that office, or when not more than twice the number of persons to be elected file for nomination for that office.

Subd. 4. [PLACE OF ELECTION.] The election precincts and polling places for elections held on the local government election day shall be those established according to sections 204A.06 to 204A.11. Ballots shall be distributed and available so that no voter shall be required to vote in more than one polling place in order to vote in every election in which the voter is eligible to vote on the local government election day.

Subd. 5. [HOURS FOR VOTING.] The polls in each precinct in which an election is held pursuant to this section shall open at 7:00 a.m. and remain open until 8:00 p.m.; provided that the governing body of any municipality of less than 1,000 inhabitants situated entirely outside the metropolitan area as defined in section 473.02, subdivision 5, by resolution adopted prior to the giving of notice of the election may fix a time for the opening of the polls which may not be earlier than 7:00 a.m. nor later than 5 p.m. A resolution adopted pursuant to this subdivision shall be effective for all succeeding elections until revoked. A copy of the resolution shall be transmitted to the secretary of state.

Subd. 6. [TIME FOR FILING.] The time for the filing of any affidavit, application, petition or other document required to place the name of any person on the ballot for election to any office to be filled on the local government election day shall commence 42 days before the primary, regardless of whether a primary is held with respect to any office, and shall conclude 28 days before the primary.

Subd. 7. [PURPOSE.] It is the purpose and intent of this section to establish uniform dates, and in the case of subdivisions 4, 5 and 6, uniform procedures, for the election of all officers described in subdivision 2. To the extent inconsistent with this intent all general and special laws and municipal charter provisions providing otherwise are superseded. In all other respects, those laws and charter provisions shall continue in full force and effect.

ARTICLE II

ELECTION LAWS; LOCAL GOVERNMENT ELECTIONS

Section 1. Minnesota Statutes 1976, Section 205.01, is amended to read:

205.01 [DEFINITIONS.] The words used in sections ~~205.01 to 205.17~~ chapter 205 have the meanings prescribed to given them in chapter 200.

Sec. 2. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.017] [NOTICE OF OFFICES TO BE FILLED; COUNTIES, CITIES AND SCHOOL DISTRICTS.] *No later than 15 days before the first day for filing affidavits of candidacy every county auditor, city clerk and school district clerk shall prepare, post in their respective offices and publish a notice specifying the officers whose certificates of election are issued by them who are to be voted on at the next regular election. The notice shall also state the opening and closing dates for filing affidavits and the place for filing. Immediately upon preparation, the county auditor and school district clerk shall deliver copies of the notice to the clerk of each municipality in the county or school district. The clerk of every municipality shall post in his office copies of the notices delivered to him pursuant to this section.*

Sec. 3. Minnesota Statutes 1976, Section 205.021, is amended to read:

205.021 [CITY ELECTIONS; STATUTES APPLICABLE.] *In all ~~statutory and home rule charter~~ cities, the regular, primary, and special elections held for choosing public officials for the city and deciding public questions relating to the city shall be held according to the statutes governing the general election and the primary preceding the general election as far as practicable, except as provided in sections 205.01 to 205.17 ; ~~except that sections 205.01 to 205.15 are not applicable to any city the charter of which provides for the manner of holding its regular, primary, or special municipal elections .~~ Sections 205.01 to 205.17 shall also apply to towns to the extent specified in those sections.*

Sec. 4. Minnesota Statutes 1976, Section 205.13, is amended to read:

205.13 [MUNICIPAL ELECTION; CANDIDATES; FILING.] *Subdivision 1. [AFFIDAVITS OR APPLICATIONS; CITIES.] Not more than ~~six~~ 42 nor less than ~~four~~ weeks 28 days before the primary election ; or before the municipal election if there is no ~~primary election~~, any person eligible and desiring to have his name placed on the official ballot as a candidate for an office to be voted for at the *regular city* election shall file his affidavit of candidacy with the *municipal city* clerk. The affidavit shall be substantially the same form as required of candidates for state offices. An application also may be signed by not less than five voters and filed on behalf of any qualified voter in the *municipality city* whom they desire to be a candidate if service of a copy of the application is made on the candidate and proof of service is endorsed on the application before filing. Upon payment of the proper filing fee to the clerk, the clerk shall place the name of the candidate on the official ballot ~~without partisan designation .~~*

Subd. 2. [SAME; TOWNS.] Town elections shall follow the procedures established in subdivision 1, except that the time for filing shall be not more than 42 nor less than 28 days before the primary or before the town election if there is no primary.

Subd. 3. [NONPARTISAN BALLOT.] Municipal ballots shall not contain any partisan designation for any candidates except as provided in section 205.17.

Subd. 4. [WITHDRAWAL OF CANDIDACY.] Any candidate for elective municipal office may withdraw from the election by filing an affidavit of withdrawal with the clerk of the municipality no later than 12:00 o'clock noon of the day after the last day for filing affidavits of candidacy.

Sec. 5. Minnesota Statutes 1976, Section 205.14, is amended to read:

205.14 [MUNICIPAL ELECTION, PROCEDURE.] Subdivision 1. [MATERIALS, BALLOTS.] *The city municipal clerk shall prepare and cause to be printed the necessary election materials, including the ballots, for the municipal election.*

Subd. 2. [ELECTION, CONDUCT.] The election primary and regular municipal elections shall be held and the returns made in the manner provided for the general election and the primary election preceding the general election .

Subd. 2a. [PRIMARY ELECTION RESULTS.] Within two days after the municipal primary election, the council of the municipality shall canvass the returns of the election, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of persons to be elected to the office and who receive the highest number of votes, shall be the nominees for the office named. In any case where a tie vote causes more candidates than may be nominated to an office to receive the highest number of votes, the council shall determine the result by lot. The names of the nominees shall be certified to the municipal clerk who shall place them on the regular municipal election ballot without payment of an additional fee.

Subd. 3. [REGULAR ELECTION RESULTS; CERTIFICATE OF ELECTION; DISPOSITION OF BALLOTS.] Within two days after the regular election, the council shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate ; but . In case of a contest, the certificate shall not be issued until the contest has been determined by the proper court. In case of a tie vote, the council shall determine the result by lot. The municipal clerk shall certify the results of the election to the county auditor ; and . The city clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 6. Minnesota Statutes 1976, Section 205.16, Subdivision 2, is amended to read:

Subd. 2. [SAMPLE BALLOT, NOTICE.] In all statutory and home rule charter cities, For every election held within the city for municipal purposes, the city clerk shall, at least one week before the election, publish a sample ballot in the official newspaper of the city, except that the council of any fourth class city may dispense with publication. At least four days before the election the clerk shall post a sample ballot in his office for public inspection ; and a sample ballot shall also be posted in each polling place .

Sec. 7. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.165] [SAMPLE BALLOTS AT EACH POLLING PLACE.] *For every election held within the municipality the municipal clerk shall cause to be posted in each polling place a sample ballot of every ballot to be voted upon at that polling place, including a sample of the state, county, city, school district or other ballot that may be voted upon.*

Sec. 8. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.211] [COUNTY ELECTIONS.] *Except as provided in Article I, Section 2, the statutes governing the general election and the primary preceding the general election shall govern the regular and primary election for county officers and county court judges.*

Sec. 9. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.221] [INDEPENDENT SCHOOL DISTRICT ELECTIONS.] *Subdivision 1. [STATUTES APPLICABLE.] Except as otherwise provided in chapter 205, the statutes governing the general election and the primary preceding the general election shall govern independent school district regular and primary elections as far as practicable.*

Subd. 2. For the purposes of Article II, Sections 9 to 14, "district" or "school district" means "independent school district."

Sec. 10. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.231] [INDEPENDENT SCHOOL DISTRICT ELECTIONS; PROCEDURES.] *Subdivision 1. [NOTICE OF ELECTION.] The clerk of the district shall give ten days' posted notice of every regular, primary and special independent school district election and also if there be a newspaper published in the district, one week's published notice shall be given. The notice shall specify the time, place and purpose of the election, and shall contain information concerning the precincts, polling places and hours the polls will be open. At least four days before the election the clerk shall post a sample ballot in his office for public inspection.*

Subd. 2. [CANDIDATES; APPLICATION.] The school board of each district shall appoint one full time employee in the central office of the district to accept applications made pursuant to this subdivision. Any person desiring to be a candidate for an independent school district office at the regular election shall file with the person appointed to accept applications a written application to be placed on the ballot for the office, or any five voters of the district may file a written application for or on behalf of any qualified voter in the district that they desire to be a candidate. The application shall be filed not more than 42 nor less than 28 days before the primary election and shall be accompanied by payment of a fee not to exceed \$5.

Subd. 3. [PREPARATION OF BALLOTS.] At the expense of the district the clerk shall prepare and cause to be printed the necessary official and sample ballots for the election of officers, placing thereon the name and number of the school district and the names of the proposed candidates with the same number of blank spaces for the insertion of names of other candidates as there are members to be elected. School district ballots shall not contain any partisan designation for any candidates. The name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office. Official ballots shall be printed on buff color paper. Any proposition to be voted upon shall be stated on a separate ballot printed on pink color paper. Voting shall be by secret ballot. The facsimile signature of the clerk shall appear on the backs of the ballots. No later than the 15th day preceding a regular or primary election, the clerk shall deliver:

(a) Sufficient sample and official ballots to the municipal clerk of each municipality into which the district extends and to the county auditor of any county containing unorganized territory into which the district extends to permit the municipal clerk and county auditor to provide sufficient ballots to each polling place in the district; and,

(b) Sufficient ballots to the officials responsible for accepting applications for absentee ballots pursuant to section 207.03, to permit them to carry out the duties prescribed by chapter 207. Each municipal clerk and county auditor shall provide a sufficient number of school district ballots to the election judges of the appropriate precincts on the day preceding the election.

Subd. 4. [VOTING MACHINES.] Where voting machines are used, the school district ballot shall follow the nonpartisan canary ballot, and in precincts containing more than one school district or more than one school election district, separate voting machines shall be used and shall be allocated between the school districts or school election districts in proportion to the number of voters eligible to vote in the precinct from each district.

Sec. 11. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.241] [ELECTION RESULTS; CERTIFICATION OF CANDIDATES.] Subdivision 1. [PRIMARY RESULTS.] Within four days after receipt of the returns of the primary election, the school board shall canvass the returns, issue certificates to the two candidates for each office who receive the highest number of votes, or to a number of candidates equal to twice the number of persons to be elected to the office and who receive the highest number of votes, and shall place the names of those candidates on the official ballot for the regular election without the payment of an additional fee. In any case where a tie vote causes more candidates than may be nominated to an office to receive the highest number of votes, the board shall determine the result by lot.

Subd. 2. [REGULAR ELECTION RESULTS.] Within four days after receipt of the returns of the regular election, the school board shall canvass the returns and shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. If any candidates receive an equal number of votes for an office, the board shall resolve the tie by lot. The clerk shall deliver the certificates by registered mail, and each person so certified shall file an acceptance and oath of office in writing with the school district clerk within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill the vacancy has been taken.

Sec. 12. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.251] [SPECIAL ELECTIONS.] *The board of an independent district may and upon petition of 50 or more voters of the district or five percent of the number of votes cast at the preceding regular election, whichever is the greater, shall by resolution call a special election to vote on any matter requiring approval of the voters of the district. The clerk of the district shall give ten days' posted notice and one week's published notice of election, if there be a newspaper published in such district. The notice shall specify the time and place of election, and the questions to be submitted to the voters at the election. The procedure for a special election shall be the same as for a regular election. The expenses of special elections shall be paid by the school district.*

Sec. 13. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.261] [COMMON SCHOOL DISTRICTS; ELECTIONS.] *Subdivision 1. The school board of a common school district shall be elected at the same time and in the same manner as board members in independent districts.*

Subd. 2. This section applies only to school districts numbers 323 and 815.

Sec. 14. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.271] [COORDINATION OF MUNICIPAL AND SCHOOL BOARD ELECTIONS; DUTIES OF SECRETARY OF STATE.] *Subdivision 1. [ADOPTION OF RULES.] No later than January 1, 1979, the secretary of state shall promulgate rules to facilitate the coordination of the various elections held on the local government election day. The rules shall provide:*

(a) Standards and guidelines to aid municipalities, counties, school districts and other political subdivisions in allocating election costs and in designating boundaries for election purposes;

(b) A procedure for preparation of precinct maps showing the

number and boundary of each school district and school district election district in the precinct and distribution of the maps to the appropriate election judges;

(c) A procedure to be followed by local elections officials to ensure that the number of the school district in which the voter resides is placed on every voter registration card in the manner and by the time required in Article III, Sections 7 and 8; and

(d) A procedure for resolving disputes between municipalities, counties, school districts and other political subdivisions with regard to the conduct of elections.

Subd. 2. [PREPARATION OF SCHOOL DISTRICT ELECTIONS BOOKLET.] No later than January 1, 1979, the secretary of state shall prepare a booklet for distribution to local elections officials setting forth all provisions of the election laws that are applicable to school district elections.

Sec. 15. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.30] [HOSPITAL DISTRICT ELECTIONS.] *Subdivision 1. [STATUTES APPLICABLE.] Except as otherwise provided in chapter 205, the statutes governing the general election and the primary preceding the general election shall govern hospital district elections as far as practicable.*

Subd. 2. [APPLICATION FOR CANDIDACY.] Any person desiring to be nominated as a candidate for member of a hospital board shall file with the clerk of the city or town in which he resides, not more than 42 nor less than 28 days before the primary required by Article I, Section 2, Subdivision 3, an application to be placed on the primary ballot for nomination as a candidate for member at large or member representing the town or city. All applications for nomination as candidates for member at large or member representing a town shall be transmitted to the clerk of the district.

Subd. 3. [PREPARATION OF BALLOTS.] For all towns in the district the clerk of the district shall prepare and distribute to the town clerks at the expense of the district the necessary primary and regular sample and official election ballots for candidates for membership on the hospital board. The official ballots shall be on light green paper and, except that preparation shall be by the clerk of the district, shall be prepared in the manner provided in section 205.07 for preparation of the town light green ballot. The clerk of the district shall provide sufficient ballots to the officials responsible for accepting applications for absentee ballots pursuant to section 207.03, to permit them to carry out the duties prescribed by chapter 207. The district clerk shall certify the names of the candidates for nomination and election as members at large to the city clerk of each city in the district. The city clerk shall place the names of the candidates for nomination or election as members at large or members representing the city on the city light green ballot.

Subd. 4. [ELECTION RETURNS.] For the primary and regu-

lar election, each clerk of the district shall supply to the clerk of each town and city in the district a number of blank summary statements sufficient for recording the results of the hospital district election in each precinct. After counting the votes, the election judges in each precinct shall complete a summary statement supplied by the district and shall submit the completed statement to the clerk of the town or city in which the precinct is located. The clerk of each town and city shall transmit the hospital district election summary statements to the clerk of the district within 48 hours after the closing of the polls.

Subd. 5. [CANVASSING OF RESULTS.] Upon receiving the completed summary statements containing the primary election results the hospital board shall forthwith canvass the results of the primary election and shall certify the names of the candidates to appear on the regular election ballot. In any case where a tie vote causes more candidates than may be nominated to an office to receive the highest number of votes, the board shall determine the result by lot. Upon receiving the summary statements containing the regular election results the board shall forthwith canvass the results and shall issue certificates of election to the candidates receiving the highest number of votes for each office. The clerk shall deliver the certificate to the person entitled thereto in person or by registered mail, and each person so certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office in the manner provided in section 447.32, subdivision 1, if the person elected thereto fails to qualify within said period, but the qualification shall be effective if made at any time before action to fill the vacancy has been taken.

Subd. 6. [APPLICATION.] The election procedures provided in this section apply to hospital districts created pursuant to section 397.05 or 447.31.

ARTICLE III

ELECTION LAWS; GENERAL PROVISIONS

Section 1. Minnesota Statutes 1976, Section 200.02, Subdivision 1, is amended to read:

200.02 [DEFINITIONS.] Subdivision 1. [ELECTION.] The word "election" means any election ~~except those held in any school district~~ unless otherwise specifically provided by law, at which the electors of the state ~~or~~, any subdivision thereof or any school district nominate or choose by ballot public officials or decide any public question lawfully submitted to them.

Sec. 2. Minnesota Statutes 1976, Section 200.02, is amended by adding a subdivision to read:

Subd. 2a. [LOCAL GOVERNMENT ELECTION DAY.] "Local government election day" means the first Tuesday after the second Monday in November in every odd numbered year as designated pursuant to Article I, Section 2.

Sec. 3. Minnesota Statutes 1976, Section 200.02, is amended by adding a subdivision to read:

Subd. 7a. [CITY.] "City" means a home rule charter or statutory city.

Sec. 4. Minnesota Statutes 1976, Section 200.02, Subdivision 8, is amended to read:

Subd. 8. [HOME RULE CHARTER CITY.] The words "statutory city" mean "Home rule charter city" means any city which has not adopted a home rule charter pursuant to the constitution and laws of this state ; the words "home rule charter city" mean any city which has adopted such a charter .

Sec. 5. Minnesota Statutes 1976, Section 200.02, is amended by adding a subdivision to read:

Subd. 8a. "Statutory city" means a city that has not adopted a home rule charter.

Sec. 6. Minnesota Statutes 1976, Section 200.02, Subdivision 24, is amended to read:

Subd. 24. [TERM OF OFFICE.] The term of office of every state and , county , city and school district officer and of every other officer of any political subdivision of the state except towns shall begin on the first Monday in January next succeeding his election, unless otherwise provided by law.

Sec. 7. Minnesota Statutes 1976, Section 201.071, Subdivision 1, is amended to read:

201.071 [REGISTRATION CARDS.] Subdivision 1. Registration cards shall be manila or cardboard cards of size and weight suitable for mailing, and shall be substantially in the following form:

VOTERS REGISTRATION CARD

(Please print or type)

Date: School District Number:

1. Name: Last First Middle Initial

2. Address: Street or Route No. (do not use P.O. Box)

..... City (or Township) County Zip

3. Telephone Number (optional):

4. Most Recent Prior Residence..... Street or Route Number

..... City (or Township) Zip

5. Most Recent Prior Registration..... Street or Route Number

..... City (or Township) Zip

6. I certify that I will be at least 18 years old on election day and that the above facts are correct. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$5,000, or both.

.....
Signature of Voter

Sec. 8. Minnesota Statutes 1976, Section 201.071, is amended by adding a subdivision to read:

Subd. 5. All voter registration cards on file on September 9, 1979, shall have the number of the school district in which the voter resides recorded on the card as provided in subdivision 1.

Sec. 9. Minnesota Statutes 1976, Section 202A.52, is amended to read:

202A.52 [OFFICERS CHOSEN.] All elective , state and county officers, judges of the supreme and district courts, members of the legislature, and senators and representatives in congress shall be elected at the general election next before the preceding expiration of their respective terms thereof shall expire, and . At the general election held in the year preceding the expiration of a term of a president of the United States presidential electors shall also be chosen.

Sec. 10. Minnesota Statutes 1976, Section 203A.17, is amended to read:

203A.17 [BALLOTS, RECORDS, DISPOSITION.] The auditor of any county and the clerk of any municipality or school district may destroy all ballots, voters' certificates, and election returns, except the abstract of the canvassing board, at any time after one year from the date of the election wherein the ballots and election returns were used, except that all election returns involved in a contested election may not be destroyed until the contest has been finally determined. *Notwithstanding the provisions of section 138.163, the records authorized to be destroyed under this section are exempt from the preservation requirements of Minnesota Statutes, Chapter 138 and of Laws 1971, Chapter 529.*

Sec. 11. Minnesota Statutes 1976, Section 203A.32, Subdivision 3, is amended to read:

Subd. 3. [SAMPLE BALLOTS, NOTICE.] Two weeks before the general election the auditor shall file a sample of the white ballot and the canary ballot in his office for public inspection, and two weeks before the general election the auditor shall give one week's published notice of the contents of the official state ballot and the county and district ballot. *Before the general election the auditor shall supply each municipal clerk in the county with a sufficient number of samples of the white ballot and, before the local government election day the canary ballot, so that one copy of each sample ballot may be posted at each polling place in every municipality in the county. The county auditor*

shall cause to be posted in each polling place in any unorganized territory in the county a sample ballot of every ballot to be voted upon at that polling place, including a sample school district ballot.

Sec. 12. Minnesota Statutes 1976, Section 204A.06, Subdivision 1, is amended to read:

204A.06 [ELECTION PRECINCTS.] Subdivision 1. **[BOUNDARIES.]** Each town, each statutory city that is separated from the town for election purposes, and each city ward, shall constitute at least one election precinct. The council of each municipality shall prescribe the boundaries of the precincts and the number of voters therein, and may rearrange the precincts from time to time, except that no changes in precinct boundaries may be made during the period beginning January 1 in any year ending in seven and ending January 1 in any year ending in two. All changes shall be adopted at least 90 days before the next ensuing election, and 60 days posted notice thereof in the office of the clerk shall be given before the change may take effect. The clerk shall file with the secretary of state and the state demographer in the state planning agency a map showing the correct boundaries of the precincts in the municipality. At least 30 days before any changes in precinct boundaries become effective, the clerk shall file a map setting forth the revised precinct boundaries. *In the course of developing precinct boundaries, the council shall take into account the boundaries of each school district and the boundaries of election districts, if any, within each school district located within the municipality and shall consult with the board of each such school district and each municipality which includes territory of the school district before taking final action on designating the precinct boundaries.*

Sec. 13. Minnesota Statutes 1976, Section 204A.09, Subdivision 1, is amended to read:

204A.09 [POLLING PLACES DESIGNATED.] Subdivision 1. **[METHOD.]** The council of every municipality shall, by ordinance or resolution, designate the place of holding the election for each precinct; otherwise the election shall be held as near as may be to the place where the preceding election was held, subject to change before the opening of the polls as provided by law. *In order to more efficiently administer elections held in precincts split by school district or school district election district boundaries or in other precincts where a special need is determined, the council of any municipality may designate more than one polling place in a precinct.* In any statutory city or in any city of the third or fourth class, having more than one precinct, the council of the municipality may, by ordinance or resolution, provide for the holding of all elections in the municipality in some building centrally located therein, and the voters of the municipality may vote at such place so designated, irrespective of whether the voting place is actually located in their precinct or not. At the place so designated there shall be provided separate statutory voting facilities for each precinct, and the voting shall otherwise be conducted in the same manner as though the voting places were located in

the respective precincts. The council of any municipality may, by ordinance or resolution, designate a polling place for holding of elections for a specific precinct in a building outside the precinct, provided that the building must be located within 1500 feet *one half mile* of the precinct.

Sec. 14. Minnesota Statutes 1976, Section 204A.11, Subdivision 3, is amended to read:

Subd. 3. [BALLOT BOXES.] Each polling place shall be provided with one white, one pink, one canary, and one light green ballot box. As many of these ballot boxes shall be used at any election as there are kinds of ballots to be voted. *As many buff color boxes shall be provided as there are school districts for which ballots are to be cast at that polling place. The number of the school district shall conspicuously appear on the top of every buff color box.* Each box shall be of sufficient size, and with a sufficient opening, to receive and contain all the ballots likely to be placed therein.

Sec. 15. Minnesota Statutes 1976, Section 204A.11, is amended by adding a subdivision to read:

Subd. 3a. [SAMPLE BALLOTS.] Each polling place shall be provided with a sample ballot for every ballot to be voted upon at that polling place. The sample ballots shall be posted in a prominent place in the polling place and be open to inspection by the voters during the time that the polling place is open.

Sec. 16. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.245] [STATE REIMBURSEMENT OF LOCAL GOVERNMENT ELECTION DAY EXPENSES.] *Subdivision 1. [PURPOSE AND INTENT.] It is the purpose and intent of this section to provide money from the general fund of the state to reimburse cities, towns and counties acting for unorganized territories for the costs of providing polling places, election judges and other general administrative services necessary to conduct the elections of the various political subdivisions which are held on the local government election day. Reimbursement provided under this section is not intended to assist in the payment of any expenses incurred by any political subdivision for purposes such as preparing ballots, accepting filings of candidates, canvassing returns or defending election contests.*

Subd. 2. [DUTIES OF SECRETARY OF STATE AND ELECTION OFFICIALS.] Not later than 60 days after the local government election day the secretary of state shall transmit to the commissioner of revenue a list of all towns, cities and, with respect to unorganized territories only, counties in which votes were cast at any election held on the local government election day. The list shall show the number of persons who voted in each town and city and the total number of persons voting in all unorganized territory in each county. The secretary of state shall adopt rules setting forth the method by which information re-

quired to prepare this list shall be reported by local election officials. Local election officials shall report the required information in the manner provided by the rules of the secretary of state.

Subd. 3. [PAYMENT BY COMMISSIONER OF REVENUE.] *The commissioner, upon receipt of the list described in subdivision 2, shall forthwith pay to each town, city and county listed the sum of \$1 for each person who voted in that town, city or unorganized territory of that county, or the sum of \$100, whichever is greater. The commissioner of revenue may include any sum required to be paid to a city, town, or county under this section as a separate and additional item within any payment made by the commissioner to that city, town or county pursuant to section 477A.01, subdivision 4b.*

Sec. 17. Minnesota Statutes 1976, Section 204A.40, Subdivision 2, is amended to read:

Subd. 2. [BALLOTS, ORDER OF CANVASS.] The ballot boxes shall be opened, the votes counted, and the results declared, one box at a time in the following order: the white box, the pink box, the canary box, the light green box, *the buff color box*, and other kinds of ballots voted at the election except that if sufficient judges are available to provide counting teams of four or more judges evenly divided between the political parties for each box, an additional box or boxes may be opened and counted. The returns may not be finally prepared until the votes in all the boxes have been counted so as to allow corrections in case any errors have occurred by reason of the deposit of ballots in the wrong boxes.

Sec. 18. Minnesota Statutes 1976, Section 204A.45, Subdivision 1, is amended to read:

204A.45 [BALLOTS, DISPOSITION.] Subdivision 1. **[ENVELOPES.]** Except in cities of the first class and in counties having a population of 200,000 or more, after the canvass has been completed and in the presence of all the judges, the ballots cast shall be removed from the ballot boxes and placed in envelopes and sealed. Each judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The envelopes shall be of a heavy paper, of the same color as the ballots to be placed therein, and of a size suitable to hold all the ballots without folding. The official charged with printing the ballots shall furnish the envelopes required in this section; provided, however, that the official charged with printing the state pink ballot shall furnish the envelopes for the state pink ballot and the state white ballot. The number of ballots in each envelope, the kind thereof, the name of the town or city, and the number of the precinct shall be plainly written upon the envelopes. *The number of the district shall be plainly written upon any envelope containing school district ballots.* The unused and spoiled ballots or returns may not be placed in the envelopes.

Sec. 19. Minnesota Statutes 1976, Section 204A.47, Subdivision 2, is amended to read:

Subd. 2. [RETURNS AND MATERIALS, DELIVERY.] Except in first class cities one of the judges in each precinct shall deliver one set of the tally book and returns, all unused and spoiled white, pink, and canary ballots, one summary statement, two election registers ; and the envelopes containing the white, pink, and canary ballots to the county auditor at his office within 24 hours after the closing of the polls. Another judge shall deliver the remaining set of the tally book and returns, all unused and spoiled municipal *and school district* ballots, the remaining summary statement, the remaining election register, the envelopes containing municipal *and school district* ballots and all other things furnished by the municipal clerk, to the municipal clerk at his office within 24 hours after the closing of the polls.

Sec. 20. Minnesota Statutes 1976, Section 204A.49, is amended by adding a subdivision to read:

Subd. 3. [DISPOSITION OF SCHOOL DISTRICT RETURNS AND MATERIALS.] *The county auditor for any unorganized territory and the municipal clerk for any city in which a school district election is held shall deliver the school district election tally book and returns, all unused and spoiled school district ballots, that part or subpart of the summary statement concerning the school district election, and the envelope or ballot box containing the school district ballots from each precinct to the clerk of the appropriate school district within 24 hours after closing of the polls.*

Sec. 21. Minnesota Statutes 1976, Section 207.02, is amended to read:

207.02 [VOTING BY MAIL.] Any person entitled to vote at any general election, any primary election, any city election held on the local government election day , or any statutory city or town election in statutory cities or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the precinct in which he is entitled to vote, or who by reason of illness or physical disability or because of religious discipline or observance of a religious holiday is unable to go to the polling place of such precinct, may vote therein by having his ballot delivered to the election board of such precinct on the day of such election, either by mail or by the clerk of the municipality in which such precinct is situated as provided for in sections 207.08 and 207.101, and by complying with the provisions of this chapter. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions or registers on election day by enclosing a completed registration card with his ballot.

Sec. 22. Minnesota Statutes 1976, Section 207.03, is amended to read:

207.03 [APPLICATION FOR BALLOTS.] At any time not more than 45 days or less than one day before the day of holding any election including county, city and school district elections , any person may make application in writing subscribed by him to:

(a) the auditor of the county in which the applicant is a resident; (b) the full time clerk of a municipality designated by the county auditor if the applicant is a resident of that municipality; or (c) the full time clerk of a municipality which has requested designation by the county auditor if the applicant is a resident of that municipality, for ballots and envelopes, by mailing to or filing with such auditor or such clerk an application substantially in the following form:

“APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of
, State of Minnesota, residing at
 (here insert street and number) in said city, or town,
 because of (absence from home), (illness),
 (physical disability), (because of religious discipline
 or observance of a religious holiday) hereby makes application for
 the ballots to be voted upon in said precinct at the next election.
 Please mail said ballots and accompanying envelope to me at
 (insert post office address to which
 to be sent)

Dated, 19....

.....
 (Signature of Applicant)”

An application need not be on an official or standard form. It must be accepted if it contains the information above.

Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any “Application for Ballots”; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony. If the person applying for a ballot resides in a political subdivision which does not accept registration other than on election day and the individual is not registered in that political subdivision, the county auditor shall send a registration card and instructions for completing the registration card along with the ballots and envelopes. For the purposes of this chapter, “municipal clerk” shall mean the clerk designated pursuant to this section.

Sec. 23. Minnesota Statutes 1976, Section 207.04, is amended to read:

207.04 [COUNTY AUDITOR; MUNICIPAL CLERK TO BE SUPPLIED WITH BALLOTS.] The several officers charged by law with the preparation, printing, and distribution of ballots shall, at least 15 days before any election, print and deliver to the county auditor and to the municipal clerk a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor and the municipal clerk to comply with the provisions of this chapter. ~~It shall be the duty of~~ The county auditor and , the

municipal clerk ~~to~~ and the clerk of any school or hospital district shall each prepare and print the ballots prepared under his direction for their respective jurisdictions at least 15 days before such election.

Sec. 24. Minnesota Statutes 1976, Section 207.151, is amended to read:

207.151 [ABSENT VOTING, TOWN ELECTIONS, DUTIES OF CLERKS.] In the case of ~~city elections in all cities or town elections in all towns~~ operating under the "Australian Ballot System," voters' applications for ballots shall be filed with the ~~city or town clerk~~ . No fees shall be required to be paid therefor, and the duties prescribed in this chapter for the county auditor shall be performed by the ~~city or town clerk~~, provided, however, that such duties may be, upon agreement, combined and performed by one of such officers. The cost of carrying out the provisions of this chapter for any ~~such city or town election~~ shall be paid by the ~~city or town~~ in which the same is held.

Sec. 25. Minnesota Statutes 1976, Section 209.02, Subdivision 1, is amended to read:

209.02 [ELECTION CONTESTS.] Subdivision 1. [CONTEST, WHO MAY INSTITUTE, GROUNDS.] Any voter, including a candidate, may contest the nomination or election of any person for whom he had the right to vote, who is declared nominated or elected to the senate or the house of representatives of the United States, to a state, county, legislative, or municipal, *school district*, or district court office, or *may contest* the declared result of a constitutional amendment or other question voted upon at an election by proceeding as provided in this chapter. The contest may be brought over an irregularity in the conduct of an election or canvass of votes or on the grounds of deliberate, serious, and material violations of the provisions of the Minnesota election law.

Sec. 26. Minnesota Statutes 1976, Section 209.02, Subdivision 3, is amended to read:

Subd. 3. [NOTICE OF CONTEST, FILING, SERVICE.] The notice of contest shall be filed within seven days after the canvass is completed, except that if the contest relates to a primary election, the time for filing the notice of contest shall be limited to five days. Within the same period copies thereof shall be served upon the candidate whose election is contested and upon the official authorized to issue the certificate of election. When the contest relates to a constitutional amendment or other question to be voted for statewide or to a question to be voted for in more than one county, the secretary of state shall be designated the contestee, and a copy of the notice of contest shall be served upon him within seven days, or five days in the case of a primary, after the canvass is completed. When the contest relates to a question that affects a single county ~~or a single~~ , municipality, or *school district*, the county auditor or , the clerk of the municipality, or *the clerk of the school district*, as the case may be, shall be designated the contestee, and a copy of the notice of contest shall be served upon him within seven days, or five days in the

case of a primary, after the canvass is completed. In all cases where the contest relates to an irregularity in the conduct of the election or canvass of votes, a copy of the notice of contest shall also be served within seven days, or five days in the case of a primary, after the canvass is completed upon the county auditor of the county in which the irregularity is said to have existed.

Sec. 27. Minnesota Statutes 1976, Chapter 210A, is amended by adding a section to read:

[210A.015] [EXEMPTION FOR SCHOOL DISTRICT ELECTIONS.] *Except for the provisions of sections 210A.03, 210A.05, subdivision 1, 210A.10 and 210A.11, subdivision 2, none of the provisions of chapter 210A shall apply to any school district election.*

ARTICLE IV

ORGANIC LAWS; SOIL AND WATER CONSERVATION DISTRICTS, SCHOOL DISTRICTS, PARK DISTRICTS, HOME RULE CHARTER CITIES

Section 1. Minnesota Statutes 1976, Section 40.05, Subdivision 1, is amended to read:

40.05 [THREE SUPERVISORS ELECTED FOR EACH DISTRICT.] Subdivision 1. Within 30 days after the date of issuance by the secretary of state of a certificate of organization of a soil and water conservation district, or such further time as the state soil and water conservation board may allow, nominating petitions may be filed with the state soil and water conservation board nominating legal voters as candidates for election as supervisors of such district, two for terms to expire on ~~December 31~~ *the first Monday in January* following the second ~~general regular~~ election after their initial election, and one for a term to expire on ~~December 31~~ *the first Monday in January* following the third ~~general regular~~ election after their initial election. Each petition must be subscribed by one or more legal voters of the district. No person shall sign petitions nominating more than three candidates and if he does his signature shall not be counted on any petition. The state board shall give due notice of the time and place where the election of three supervisors shall be held in the district, and shall specify therein the names of all candidates and the terms for which nominated. The state board shall prepare ballots for such election with the surnames of the candidates printed thereon in alphabetical order for each term and a square before each name and a direction to insert an X mark in the square before three names with different terms to indicate the voter's choice. All legal voters shall be eligible to vote at such election. The three candidates who shall receive the highest numbers respectively of the votes cast at such election shall be the elected supervisors for the district. In case of a tie, the election shall be determined by lot, under the direction of the state board. The state board shall supervise such election, pay all the expenses thereof, prescribe the regulations governing the same, determine the eligibility of voters and publish the results.

Sec. 2. Minnesota Statutes 1976, Section 40.05, Subdivision 3, is amended to read:

Subd. 3. After December 31, 1972, and for the elections required by subdivision 2, all elections except that provided for the organization of the district, in subdivision 1, shall be held at the time and place of holding the general election, as defined in section 200.02, subdivision 2 on the local government election day designated pursuant to Article 1, Section 2. No primary election shall be held. Election of supervisors of the soil and water conservation district shall be by inclusion on the "canary ballot," as described in section 203A.32. Nominating petitions conforming to the rules stated in subdivision 1 shall be filed with the secretary of the soil and water conservation district at least 60 no more than 42 days nor less than 28 days before the time of holding the general primary election. At least 45 25 days before the general primary election the district secretary shall submit the names of the candidates and the terms for which nominated to the appropriate county auditor. The ballots for use at the election shall be prepared by the county auditor. All laws relating to county elective office elections shall govern insofar as applicable. The county auditor shall certify the result to the state soil and water conservation board, and if the soil and water conservation district embraces land in more than one county the county auditor shall forthwith certify to the state soil and water conservation board the vote, as shown by the report of the county canvassing board, for all candidates voted for in more than one county. In the latter case the state soil and water conservation board shall certify the results of the election and publish the result.

Sec. 3. Minnesota Statutes 1976, Section 40.05, Subdivision 4, is amended to read:

Subd. 4. If a vacancy except by reason of expiration of term shall occur in the office of an elected supervisor, more than 60 70 days before the next succeeding general regular election, the governing body of the district shall fill the vacancy by appointment; and the supervisor appointed shall hold office until December 31 the first Monday in January following the next succeeding general regular election. If the term does not then expire, his successor shall be elected at the next succeeding general regular election following the appointment and hold office for the remainder of the term. If a vacancy except by reason of expiration of term shall occur in such office less than 60 70 days before the next succeeding general regular election, the governing body of the district shall fill the vacancy by appointment; and the supervisor shall hold office until the expiration of the term or until December 31 the first Monday in January following the second succeeding general regular election, whichever is the shortest term, when his successors shall be elected and hold office for the remainder of the term.

Sec. 4. Minnesota Statutes 1976, Section 40.06, Subdivision 1, is amended to read:

40.06 [SUPERVISORS.] Subdivision 1. [MEMBERS; ELECTION, APPOINTMENT.] The governing body of the district shall

consist of five supervisors, elected or appointed as herein provided in section 40.06 . All supervisors shall be legal voters residing within the district. The two supervisors appointed by the state board upon the creation of the district as hereinbefore provided shall serve for terms ending on December 31 the first Monday in January following the next succeeding general regular election after their appointment, and thereafter their successors shall be elected for terms of six years.

Sec. 5. Minnesota Statutes 1976, Section 123.12, Subdivision 1, is amended to read:

123.12 [BOARDS OF COMMON SCHOOL DISTRICTS.] Subdivision 1. The care, management and control of a common district is vested in a board of three members to be known as the school board. The term of office of a member shall be ~~three~~ four years, and until his successor qualifies. The board of each common district shall consist of a chairman, a treasurer, and a clerk. The board may by resolution establish a time and place for regular meeting and no notice of such meeting need be sent to any members of the board.

Sec. 6. Minnesota Statutes 1976, Section 123.12, Subdivision 5, is amended to read:

Subd. 5. Any other vacancy in a board shall be filled by the board at any regular meeting thereof or by a special meeting called for the purposes until such vacancy can be filled by election at the next annual meeting or regular election. Such appointment shall be evidenced by a resolution entered in the minutes. All elections to fill vacancies shall be for the unexpired term.

Sec. 7. Minnesota Statutes 1976, Section 123.32, Subdivision 9, is amended to read:

Subd. 9. Any independent district may for the purpose of the election of board members alter its organization into separate election districts by the following procedure provided in subdivisions 9 to 21 . Except for any part of an election district boundary which is formed by the boundary of the school district, every election district boundary established pursuant to subdivisions 9 to 21 shall follow visible, clearly recognizable physical features as defined in section 204A.06, subdivision 4, and, as far as practicable, shall follow the boundaries of city and town election precincts established pursuant to sections 204A.06 to 204A.08. The board shall consult with city councils and town boards before taking final action designating election district boundaries.

Sec. 8. Minnesota Statutes 1976, Section 123.32, Subdivision 13, is amended to read:

Subd. 13. The board shall designate each election district by number and by a metes and bounds description sufficient and adequate to permit identification of the geographical limits of the area .

Sec. 9. Minnesota Statutes 1976, Section 123.32, Subdivision 23, is amended to read:

Subd. 23. (1) Unless action is taken by the board under subparagraphs (2) and (3) of this subdivision, in a district which is reclassified to an independent district from a county district or a common district containing ten or more townships, by provisions of this code, the board of such district shall continue to govern the district until July 1 following the next annual election as provided for independent districts, at which election six members shall be elected at large from the district, two members for a one year term from July 1 next following the election, two members for a two year term from said July 1, and two members for a three-year term from said July 1, to serve until a successor is elected and qualifies; if such district is reclassified to an independent district from a common district of ten or more townships containing less than ten schools, the board of such district shall continue to govern the district, and the members presently serving shall continue to the end of their term. At the next annual election of school board members following July 1 following the adoption of the code, two members shall be elected for a three year term and one member for a two-year term each commencing on July 1 next following the election. Thereafter, members shall be elected as in independent districts.

(2) In any district which is *was* reclassified from a common district of ten or more townships to an independent district by the provisions of this code, the *regular* election of the board members may be held biennially concurrently with the general elections in the areas by resolution of the board made within 90 days of the adoption of this code. Board members presently serving shall continue in office until the expiration of the term to which they were elected. At the next general election following the adoption of the code, board members shall be elected to fill all vacancies when occurring and any vacancies caused by reclassification to an independent district. Provided that three board members shall be elected for a term of four years each and any necessary additional board members shall be elected for a term of two years each, to serve until a successor is elected and qualifies on the local government election day designated pursuant to Article 1, Section 2. The term of members shall commence on the first Monday in January following the general regular election and shall be for four years. Thereafter, three members shall be elected at each general election for a term of four years from the first Monday in January following the general election.

(3) If a reclassified district was a county district and if the board of such district determines, by resolution, to retain its organization providing for area representation and a five man board, a resolution effecting such organization may be adopted by the board at any time before 30 days before the next election following the effective date of this code. The resolution, if adopted, shall divide the district into five election districts coterminous with the county commissioner districts, and shall specify the terms to which members from each election district shall be elected so as to provide for a continuation of the present organizational structure of the board.

(2) In a district which is *was* reclassified to an independent school district from a county district by provisions of this code, the *regular* election of board members ~~may~~ *shall* be held biennially on the local government election day designated pursuant to Article I, Section 2 from county commissioner districts as now established concurrently with the general elections in the areas upon resolution of the board adopted at least 30 days before the election next following the effective date of this code. If such a resolution is adopted, board members presently serving shall continue in office until the expiration of the term to which they were elected to serve until a successor is elected and qualified. Thereafter, . Vacancies caused by expiration of term shall be filled at each general *regular* election for a term of four years from the first Monday in January following the general *regular* election. Districts reclassified as independent districts that were county districts shall also have the powers and duties contained in sections 128.03 to 128.06 in addition to their status as an independent district.

Sec. 10. Minnesota Statutes 1976, Section 123.33, Subdivision 1, is amended to read:

123.33 [BOARDS OF INDEPENDENT SCHOOL DISTRICTS.] Subdivision 1. The care, management, and control of independent districts shall be vested in a board of directors, to be known as the school board. The term of office of a member shall be ~~three~~ *four* years and until his successor qualifies. The membership of the school board shall consist of six elected directors together with such ex officio member as may be provided by law. But the board may submit to the electors at any school election the question whether the board shall consist of seven members and if a majority of those voting on the proposition favor a seven member board, a seventh member shall be elected at the next election of directors for a ~~three~~ *four* year term and thereafter the board shall consist of seven members.

Sec. 11. Minnesota Statutes 1976, Section 123.33, Subdivision 4, is amended to read:

Subd. 4. Any other vacancy in a board shall be filled by the board at any regular or special meeting thereof. Such appointment shall be evidenced by a resolution entered in the minutes. *When such a vacancy occurs more than 70 days before the regular school district election next succeeding the election of the member whose office has become vacant, an appointment to fill the vacancy shall continue until the first Monday in January of the next even numbered year and the remainder of the unexpired term shall be filled by election at the regular election. In the case of any other vacancy filled under this subdivision, the appointment and shall continue until July 1 next following such appointment.* All elections to fill vacancies shall be for the remainder of the unexpired term.

Sec. 12. Minnesota Statutes 1976, Section 123.34, Subdivision 1, is amended to read:

123.34 [OFFICERS OF INDEPENDENT SCHOOL DIS-

TRICTS.] Subdivision 1. Within ten days after the election of the first board in independent districts and annually thereafter on ~~July 1~~ *the first Monday in January*, or as soon thereafter as practicable, the board shall meet and organize by selecting a chairman, clerk, and a treasurer, who shall hold their offices for one year and until their successors are selected and qualify. The persons who perform the duties of the clerk and treasurer need not be members of the board and the board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs. They may appoint a superintendent who shall be ex officio a member of the board, but not entitled to vote therein. ~~In districts in which board members are elected at the general election in November, the annual meeting of the board shall be held on the first Monday of January or as soon thereafter as practicable.~~

Sec. 13. Minnesota Statutes 1976, Section 123.351, Subdivision 1, is amended to read:

123.351 [COOPERATIVE CENTERS FOR VOCATIONAL EDUCATION.] Subdivision 1. [ESTABLISHMENT.] Two or more independent school districts may enter into an agreement to establish a cooperative center to provide for vocational education and other educational services upon the vote of a majority of the full membership of each of the boards of the districts entering into the agreement. When a resolution approving this action has been adopted by the board of a district, the resolution shall be published once in a newspaper of general circulation in the district. If a petition for referendum on the question of the district entering into the agreement, containing signatures of qualified voters of the district equal to five percent of the number of voters at the last ~~annual~~ *regular* school election, is filed with the clerk of the board within 60 days after publication of the resolution, the board shall not enter into the agreement until the question has been submitted to the voters of the district at a special election. This election shall be conducted and canvassed in ~~accordance with section 123.32~~ *the same manner as the regular election of officers of independent school districts*. If a majority of the total number of votes cast on the question within the district is in favor of the proposition, the board may thereupon enter into an agreement to establish the center for purposes ~~herein~~ described in section 123.351.

Sec. 14. Minnesota Statutes 1976, Section 123.351, Subdivision 3, is amended to read:

Subd. 3. [GOVERNING BOARD.] (a) The center shall be operated by a center board of not less than five members which shall consist of members from school boards of each of the participating school districts within the center, appointed by their respective school boards. Each participating school district shall have at least one member on the board. The board shall choose an administrative officer to administer board policy and directives who shall serve as an ex officio member of the board but shall not have a vote.

(b) The terms of office of the first members of the board shall be determined by lot as follows: ~~one-third~~ *one half* of the members for one year; ~~one-third~~ for two years, and the remainder for ~~three~~ *four* years, all terms to expire on ~~June 30~~ *the first Monday in January* of the appropriate *even numbered* years; provided that if the number of members is not evenly divisible by ~~three~~ *two*, the membership will be as evenly distributed as possible among ~~one, two and three~~ *four* year terms with the remaining members serving the ~~three year term~~. Thereafter the terms shall be for ~~three~~ *four* years commencing on ~~July 1~~ *the first Monday in January* of each *the even numbered* year. If a vacancy occurs on the center board, it shall be filled by the appropriate school board within 90 days. A person appointed to the center board shall qualify as a board member by filing with the chairman a written certificate of appointment from his school board.

(c) The first meeting of a center board shall be at a time mutually agreed upon by board members. At this meeting, the center board shall choose its officers and conduct any other necessary organizational business. Thereafter the center board shall meet on the first of July of each year or as soon thereafter as practicable pursuant to notice sent to all center board members by the chief executive officer of the center.

(d) The officers of the center board shall be a chairman, vice chairman, clerk and treasurer, no two of whom when possible shall be from the same school district. The chairman shall preside at all meetings of the center board except in his absence the vice chairman shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer shall be the custodian of the funds of the center. Insofar as applicable, sections 123.33 and 123.34, shall apply to the board and officers of the center.

(e) Each participating school district shall have equal voting power with at least one vote. A majority of the center board shall be a quorum. Any motion other than adjournment shall pass only upon receiving a majority of the votes of the entire center board.

Sec. 15. Minnesota Statutes 1976, Section 123.51, is amended to read:

123.51 [SPECIAL SCHOOL DISTRICTS, LAWS APPLICABLE.] Special districts as now organized shall continue to operate under the special legislation and charter provisions governing them until conversion to independent districts. The provisions of Laws 1957, Chapter 947, relating to independent districts shall apply to and govern each special district unless the special laws and charter provisions governing the special district provide for the matter, in which case the special laws and charter provisions relating to the special district shall apply and control. *The provisions of Article I, Section 2 and Article V, Section 1 shall control and shall supersede inconsistent provisions of special laws or charters in the matter of school district elections in special districts.*

Sec. 16. Minnesota Statutes 1976, Section 128.01, is amended to read:

128.01 [COUNTY SCHOOL BOARD; ELECTIONS; TERMS.] The school board of any such county district shall consist of five members, to be elected at the same time and in the same manner as board members in a ~~ten or more townships~~ *an independent school* district, but for a term of four years. The board of county commissioners shall appoint the members of such board within 60 days following the election at which time the question of consolidation was submitted, the length of each term for which they are to be appointed being such as to cause the term of three members of the board to expire on the ~~Sunday~~ *preceding the first Monday in January following the next general regular* election and the term for two members to expire two years from ~~the Sunday~~ *preceding the first Monday in January following the next general regular* election. The provisions of Laws 1949, Chapter 268, shall not affect the terms of the school boards of county districts now organized. The school board of the county district shall meet within ten days after the appointment by the county board, and thereafter as may be necessary, and organize in the same manner as independent districts and do whatever business is necessary for the best interest of the county district for the ensuing school year and thereafter shall organize at the same time as boards of county commissioners.

Sec. 17. Minnesota Statutes 1976, Section 375.025, Subdivision 4, is amended to read:

Subd. 4. [REDISTRICTING PLAN; ELECTION FOLLOWING REDISTRICTING.] A redistricting plan whether prepared by the county board or the redistricting commission shall be filed in the office of the county auditor. Notice that the plan is on file shall be published in the newspaper having the contract for publishing the commissioners' proceedings for the current year. A redistricting plan shall be effective on the 31st day after publication of the notice unless a later effective date is specified; provided, no redistricting plan shall be effective as to the next election of county commissioners unless the plan shall have been filed with the county auditor not less than 30 days before the first date candidates may file for the office of county commissioner. One commissioner shall be elected in each district who, at the time of the election, shall be a resident thereof and the person so elected shall be entitled to hold the office only while he remains a resident of the commissioner district. The county board or the redistricting commission as appropriate shall determine the number of members of the county board who shall be elected for two year terms and for four year terms in order to provide for staggered terms on the county board. Thereafter, all commissioners shall be elected for four years. When a county is redistricted, there shall be a new election of commissioners in all the districts of the county at the next ~~general~~ *regular* election except that where the change made in the boundaries of a district is less than 10 percent of the average of all districts of

the county, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected.

Sec. 18. Minnesota Statutes 1976, Section 375.03, is amended to read:

375.03 [TERM OF COMMISSIONERS.] In each new county, and in each county which shall be entitled to an increase of the number of commissioners, there shall be elected at the next ~~general~~ *regular* election a commissioner from each odd-numbered district for a term of two years, and one from each even-numbered district for a term of four years; and thereafter all commissioners shall be elected for a term of four years, except that elections to fill vacancies shall be for the unexpired term only. In counties having a population of more than 150,000, every such commissioner, before he enters upon his duties, shall give bond to the state in the sum of \$10,000, with a legally authorized surety company as surety, conditioned for the faithful performance of his official duties. Such bond shall be approved by a judge of the district court, and together with his oath of office and certificate of election, be filed with the county recorder. The premium on the bond shall not exceed that prescribed by law for county treasurers, and shall be paid by the county.

Sec. 19. Minnesota Statutes 1976, Section 375.101, Subdivision 2, is amended to read:

Subd. 2. If the vacancy occurs less than 60 days before the ~~general~~ *regular* election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who shall take office immediately after receiving the certificate of election and upon filing the bond and oath of office.

Sec. 20. Minnesota Statutes 1976, Section 375A.02, Subdivision 1, is amended to read:

375A.02 [ELECTED EXECUTIVE PLAN.] Subdivision 1. [COUNTY EXECUTIVE.] In a county adopting the elected executive plan, the chief executive officer shall be known as county executive. The first county executive shall be elected at the ~~county~~ *general regular* election following the adoption of the elected executive plan and every four years thereafter. He shall hold office for a term of four years commencing on the first Monday of January following his election. Only a voter of a county shall be eligible for election as county executive. He shall be nominated and elected by all the voters of the county in the manner provided by law for the election of county officers. In case the office of county executive is or becomes vacant by reason of death, resignation or removal, it shall be filled by the board of county commissioners for the unexpired term.

Sec. 21. Minnesota Statutes 1976, Section 375A.09, Subdivision 4, is amended to read:

Subd. 4. [DISTRICTS; NOMINATION.] The county shall be divided into the number of districts from which commissioners are nominated and elected and the population of the county shall be apportioned to the several districts so that each commissioner

represents the same number of persons as nearly as may be possible. When the number of commissioners has been changed, the county board shall proceed to redistrict the county accordingly and it shall follow as nearly as possible the times and procedures specified in section 375.025, including determining the two year and four year terms first assigned to districts in order to provide as nearly as possible for an equal number of overlapping four year terms in the future. The resolution redistricting the county shall be adopted not less than 30 days before the first day candidates may file for the office of county commissioner. Commissioners to be elected pursuant to the modification of the county board shall be elected at the ~~general~~ *regular* election following the adoption of the modification.

Sec. 22. Minnesota Statutes 1976, Section 382.01, is amended to read:

382.01 [OFFICERS ELECTED; TERMS.] ~~In every county in this state there shall be elected at the general election in 1918 a~~ *The regular election of the county auditor, a county treasurer, sheriff, county recorder, county attorney, and coroner ; and county superintendent of schools shall be held on the local government election day designated pursuant to Article 1, Section 2 .*

The terms of office of these officers shall be four years and shall begin on the first Monday in January next succeeding their election. They shall hold office until their successors are elected and qualified. ~~These offices shall be filled by election every four years thereafter.~~

Sec. 23. Minnesota Statutes 1976, Section 389.011, Subdivision 2, is amended to read:

Subd. 2. [ELECTION, TERM, APPOINTMENT, TERMINATION OF OFFICE.] (1) In any county having less than 200,000 inhabitants and in which the office is vacant by reason of no person having been elected and qualified for the position, the board of county commissioners may by resolution duly adopted at least six months before the end of the term of office of the county surveyor, declare the office terminated. If such resolution is adopted no person shall be elected or appointed to the office of county surveyor so long as such resolution remains in effect. The county board by resolution adopted at least six months before the date of any ~~general~~ *regular* election may rescind its action terminating the office. Such resolution rescinding its action terminating the office shall state whether the office shall be filled henceforth by election or by appointment.

If the resolution does not state that the office shall be filled by appointment the county surveyor shall be elected at the next ~~general~~ *regular* election according to law. If the office of county surveyor is to be filled by appointment the board of county commissioners shall within 30 days of said resolution appoint a land surveyor to such office.

In the resolution terminating the office the board of county commissioners may designate a land surveyor who shall perform

all professional duties of a county surveyor as provided by law. As to any duties of a county surveyor which are not of a professional nature said duties shall be performed by the county engineer.

(2) In any county in which the office of county surveyor has not been abolished by law the board of county commissioners may by resolution duly adopted at least six months before the end of the term of the office of county surveyor declare its intention to fill the office by appointment. Having adopted such a resolution the board of county commissioners shall fill the office of county surveyor by appointment of a land surveyor to the office not less than 30 days before the end of the term of office of the incumbent. When so appointed the county surveyor shall serve for such term as determined by the board commencing upon the expiration of the term of the incumbent but not to exceed four years.

(3) In any county wherein the office of county surveyor has not been terminated or made appointive under the provisions of this section or abolished under other provisions of law, there shall be elected a county surveyor in the manner provided by law. The term of office of the county surveyor shall be four years and until his successor is elected and qualified, and begin on the first day of January next succeeding his election.

(4) If the office of county surveyor is vacant by reason of no qualified person having been elected to the office or the board of county commissioners having failed to appoint a person to the office or is otherwise vacant or if the office has been terminated and no land surveyor has been designated to perform the professional duties of the office and there are duties which prior to January 1, 1961, had been the responsibility of the county surveyor the officer requiring such duties to be performed may retain a land surveyor to perform such duties at the compensation set by the county board.

Sec. 24. Minnesota Statutes 1976, Section 397.06, is amended to read:

397.06 [DISTRICT HOSPITAL BOARDS.] The board or boards of county commissioners may also authorize and direct the construction and equipment of a district hospital in any such district, to be constructed, equipped and operated under the supervision of a district hospital board comprising one member from each city and town in the district elected by the voters at the ~~respective regular local elections thereof~~ *election held on the local government election day designated pursuant to Article I, Section 2* for a term of ~~three~~ *four* years or until his successor has been elected and has qualified, commencing on the first day of ~~April~~ *Monday in January* next following the election. When the district is first created, the governing body of each such city and town shall appoint a member of the board to serve until the commencement of the term of his successor. Thereafter whenever a vacancy occurs, the governing body of the city or town affected shall appoint a member to serve until ~~April~~ *the first Monday in January* following the next ~~regular municipal or town~~ *regular municipal or town local government election day*, when his successor shall be elected

for a full ~~three~~ four year term. *Procedures for election of board members shall be as provided in Article II, Section 15.*

Sec. 25. Minnesota Statutes 1976, Section 397.07, is amended to read:

397.07 [ANNUAL MEETINGS OF BOARDS.] The annual meetings of the hospital board shall be in ~~April~~ *January* of each year, at which time the members shall elect from among themselves a chairman and a clerk for a term of one year.

Sec. 26. Minnesota Statutes 1976, Section 398.04, is amended to read:

398.04 [ELECTION OF COMMISSIONERS.] Except in the case of the first boards and when vacancies occur before the expiration of a term, park district commissioners shall be elected without party designation at the same time and in the same manner as county commissioners. In single county park districts the three commissioners at large shall be elected by all the qualified voters in the park district while the successors in office to the four commissioners representing the four election districts, whether appointed, candidates for election or elected, must reside when appointed or elected and while serving, in the election district which they represent and shall be elected by the qualified voters residing in such district. Park district commissioners shall be elected for terms of four years or until their respective successors are elected and qualify, except where a commissioner is being elected to finish out an unexpired term when election shall be for the balance of such term. Vacancies resulting from the death, resignation or removal of a commissioner shall be filled by appointment by the board of county commissioners, such appointment to be effective only until the first Monday in January following the next ~~general~~ *regular* election or until a successor has been elected and qualifies for office. The four commissioners representing the election districts shall be elected at the first primary and ~~general~~ *regular* elections after the activation of the district and each four years thereafter and the commissioners elected at large shall be elected at the second primary and ~~general~~ *regular* election after such activation and each four years thereafter. The terms of elected commissioners shall commence on the first Monday in January following their election.

Sec. 27. Minnesota Statutes 1976, Section 410.21, is amended to read:

410.21 [APPLICATION OF GENERAL ELECTION LAWS.] *Except as provided otherwise in Article I, Section 2 and Article V, Section 1,* the provisions of any charter of any such city adopted pursuant to this chapter shall be valid and shall control as to nominations, primary elections, and elections for municipal offices, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter.

Sec. 28. Minnesota Statutes 1976, Section 412.02, Subdivision 2, is amended to read:

Subd. 2. Terms of elective officers shall commence on the first business day *Monday* of January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify. Vacancies in office shall be filled for the remainder of the term by the council. In case of a tie vote on such appointments the mayor shall fill the vacancy by appointment for the unexpired term.

Sec. 29. Minnesota Statutes 1976, Section 412.021, Subdivision 2, is amended to read:

Subd. 2. [OFFICERS TO BE ELECTED.] There shall be elected at such election a mayor and, where otherwise permitted by law, a justice of the peace, each for a term expiring the first business day of *Monday* in January of the next ~~odd~~ *numbered even-numbered* year; and four councilmen, for terms so arranged that two expire the first business day of *Monday* in January of the next ~~odd~~ *numbered even-numbered* year and two the first business day of *Monday* in January of the second ~~odd~~ *numbered even-numbered* year. No candidate for councilman shall run for a particular term but the number of years in the term of each successful candidate shall be determined by his relative standing among the candidates for office, the longest terms going to the two candidates receiving the highest number of votes. If the election occurs in the last four months of the ~~even~~ *numbered odd-numbered* year, no election shall be held in the city on the annual city election day that year, and the next following year shall be disregarded in fixing the expiration of terms of officers chosen under this subdivision at the initial election.

Sec. 30. Minnesota Statutes 1976, Section 412.571, Subdivision 5, is amended to read:

Subd. 5. [ABANDONMENT; INCUMBENT CLERK AND TREASURER TRANSITION.] When any optional plan is abandoned and the standard form of city government is resumed, the office of clerk, or clerk-treasurer shall remain appointive until the first business day *Monday* of January following the next regular city election and the office of treasurer, if there is no clerk-treasurer, shall remain appointive until the first business day *Monday* of January following the first subsequent city election at which the clerk is not elected; and the successor to the incumbent clerk, clerk-treasurer, and treasurer shall be chosen at the regular city election immediately preceding the January in which the office becomes elective.

Sec. 31. Minnesota Statutes 1976, Section 447.32, Subdivision 1, is amended to read:

447.32 [OFFICERS AND ELECTIONS.] Subdivision 1. Each hospital district shall be governed by a hospital board composed of one member elected from each city and town comprising said district and one member elected at large. The term of office of each member of the hospital board shall be four years and until his successor qualifies, except that at the first election members shall be elected for terms to be designated by the governing body

calling the election, in such manner that one-half of the terms as nearly as may be, shall expire on ~~December 31~~ *the first Monday in January* of the then next following even numbered year and the remaining terms will expire two years from said date; and thereafter, prior to the expiration of the term of each member, a new member shall be elected for a term of four years from said expiration date. Upon the death, resignation, or removal of any member from the hospital district, or upon his failure to qualify, a successor may be appointed by a majority of the remaining members of the board, to hold office until ~~December 31~~ *the first Monday in January* following the next regular hospital district election, at which election a successor shall be elected to fill the unexpired term. Upon annexation of any additional city or town to the district, in accordance with section 447.36, its governing body shall by resolution appoint a member to the board, to hold office until ~~December 31~~ *the first Monday in January* following the next regular hospital district election, at which election a successor shall be elected for a term of either two or four years, to be designated by the hospital board in such manner as to assure that the number of members of the board whose terms expire in any subsequent year will not exceed one-half of the members plus one.

Sec. 32. Minnesota Statutes 1976, Section 447.32, Subdivision 2, is amended to read:

Subd. 2. ~~The regular elections~~ *election of hospital board members shall be held in each hospital district at the same time and in the same election precincts and at the same polling places as general elections of state and county officers, except that the hospital board may by resolution fix a date, not later than December 7 immediately preceding the expiration of board members' terms, and may establish the whole district as a single election precinct or may establish two or more different election precincts and polling places for such elections; in which event the boundaries of the election precincts and the locations of the polling places shall be defined in the notice of election, either in full or by reference to a description or map on file in the office of the clerk on the local government election day designated pursuant to Article 1, Section 2. Procedures for election of board members shall be as provided in Article II, Section 15 .* Special elections may be called by the hospital board at any time to vote on any matter required by law to be submitted to the electors ; and such elections shall be held within the election precinct or precincts and at the polling place or places designated by the board or, in the case of the first election of officers of a new district, by the governing body of the most populous city or town included in the district . *The procedure for a special election shall be the same as for the regular election except that the hospital board shall pay all expenses of a special election .* Advisory ballots may be submitted by the hospital board on any question which it may desire, relating to the affairs of the district, but only at a regular election or at a special election required to be held for another purpose.

Sec. 33. Minnesota Statutes 1976, Section 487.03, Subdivision 2, is amended to read:

Subd. 2. [ELECTION.] Each judge shall be elected at the general *regular* election for a term of six years, beginning on the first Monday of the January next following his election and until his successor qualifies. No person shall be a candidate for more than one county court judgeship at any election.

In any election following reduction of the number of county court judges pursuant to section 487.01, subdivision 7 the requirement contained in section 202A.22, subdivision 3 that a candidate for office of judge state the office for which he is a candidate shall not apply. In such a situation all parties filing for office of judge shall run against each other for the remaining seats. However, each candidate who otherwise would have qualified to have the word "incumbent" printed after his name on the ballot pursuant to section 203A.12, subdivision 6 shall retain this right.

Sec. 34. Minnesota Statutes 1976, Section 487.03, Subdivision 5, is amended to read:

Subd. 5. [VACANCY.] Whenever there is a vacancy in the office of judge, the governor shall appoint a qualified person to fill the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six year term at the next general *regular* election occurring more than one year after such appointment.

Sec. 35. Minnesota Statutes 1976, Section 488A.021, Subdivision 3, is amended to read:

Subd. 3. [TERM; VACANCIES; APPOINTMENTS AND ELECTION.] (a) Each elected judge holds office for six years beginning the first Monday in January next succeeding his election.

(b) Whenever there is a vacancy in the office of judge, the governor shall appoint a qualified person to fill the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six year term at the next general *regular* election occurring more than one year after such appointment.

(c) At the general *regular* election immediately preceding the expiration of his term, the qualified voters of the county of Hennepin shall elect the successor to any elected or appointed judge.

(d) Each judge holds a separate nonpartisan office.

(e) When one or more judges of the court are to be nominated or elected at an election, the notice of election shall state the name of each judge whose successor is to be nominated or elected. The official ballot shall contain the names of all candidates for each such office, state the number of judges to be elected and the number of candidates for whom an elector may vote, and designate each candidacy as "For the office of Judge of the Municipal Court of the county of Hennepin to which. . . (name

of judge) . . . was elected for the regular term”, or: “For the office of Judge of the Municipal Court of the county of Hennepin to which . . . (name of judge) . . . was appointed,” as the case may be. The official ballots shall show in the spaces for the purpose the name of the judge whose successor is to be elected. When any judge is a candidate to succeed himself, the word “incumbent” shall be printed after his name where it appears among the names of the candidates for the office. When voting machines are used and such statements cannot be inserted in full, the designation shall be “Successor to . . . (name of judge) . . . (elected)”, or “Successor to . . . (name of judge) . . . (appointed)”, as the case may be.

(f) Each person desiring to have his name placed upon the primary ballot as a candidate for judge shall state in his affidavit of candidacy the office of the particular judge for which he is a candidate. The filing of this affidavit with the county auditor and a compliance with all other requirements constitutes such person a candidate for that office, and for that office only. No person shall at any election be a candidate for more than one such office.

Sec. 36. Minnesota Statutes 1976, Section 488A.19, Subdivision 3, is amended to read:

Subd. 3. [TERM; VACANCIES; APPOINTMENTS AND ELECTION.] (a) Each elected judge holds office for six years beginning the first Monday in January next succeeding his election.

(b) Whenever there is a vacancy in the office of judge the governor shall appoint a qualified person to fill the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six-year term at the next *general regular* election occurring more than one year after such appointment.

(c) At the *general regular* election immediately preceding the expiration of his term the qualified voters of the county of Ramsey shall elect the successor to any elected judge.

(d) Each judge holds a separate nonpartisan office.

(e) When one or more judges of the court are to be nominated or elected at an election, the notice of election shall state the name of each judge whose successor is to be nominated or elected. The official ballot shall contain the names of all candidates for each such office, state the number of judges to be elected and the number of candidates for whom an elector may vote, and designate each candidacy as “For the office of Judge of the Municipal Court of the county of Ramsey to which . . . (Name of Judge) . . . was elected for the regular term,” or “For the office of Judge of the Municipal Court of the county of Ramsey to which . . . (Name of Judge) . . . was appointed,” as the case may be. The official ballots shall show in the spaces for the purpose the name of the judge whose successor is to be elected. When any judge is a candidate to succeed himself, the word “in-

cumbent" shall be printed after his name where it appears among the names of the candidates for the office. When voting machines are used and such statements cannot be inserted in full, the designation shall be "Successor to . . . (Name of Judge) . . . (elected)", or "Successor to . . . (Name of Judge) . . . (appointed)", as the case may be.

(f) Each person desiring to have his name placed upon the primary ballot as a candidate for judge shall state in his affidavit of candidacy the office of the particular judge for which he is a candidate. The filing of this affidavit with the county auditor and a compliance with all other requirements constitutes such person a candidate for that office, and for that office only. No person shall at any election be a candidate for more than one such office.

ARTICLE V OTHER PROVISIONS

Section 1. [IMPLEMENTATION.] *Subdivision 1. [REGULAR ELECTION PROHIBITED ON OTHER DAYS; FIRST LOCAL GOVERNMENT ELECTION DAY.] After August 1, 1978, no regular election of any of the officers described in Article I, Section 2, Subdivision 2, shall be held except on the local government election day. The first local government election day shall be November 13, 1979. The first primary to select candidates for the offices to be filled on the local government election day shall be October 9, 1979.*

Subd. 2. [TERMS EXTENDED.] (a) The terms of all elected county officers that would otherwise expire on the first Monday of January in 1979 and 1981 are extended until the first Monday of January in 1980 and 1982 respectively.

(b) The terms of all elective statutory city officers that would otherwise expire on the first business day of January in 1979 or 1980 shall instead expire on the first Monday of January in 1980. The terms of statutory city officers that would otherwise expire on the first business day in January of 1981 shall instead expire on the first Monday in January of 1982.

(c) The terms of all independent school district board members which would otherwise expire on July 1, 1979 shall instead expire on the first Monday of January of 1980; terms of members which otherwise expire July 1, 1980, shall instead expire on the first Monday of January in 1980; and the terms of members which otherwise would expire July 1, 1981 shall instead expire on the first Monday of January in 1982.

(d) The governing body of any home rule charter city by ordinance adopted prior to July 1, 1979, shall extend or reduce the term of any elective city officer whose term ends on a different date to the first Monday of January of an even numbered year. The governing body shall, in the same ordinance designate a new term of an even number of years for any officer who would otherwise be elected to a term of an odd number of years and may designate a new term of four years for any officer who would otherwise be elected for a term of two years.

For any city that does not adopt an ordinance as provided in this subdivision prior to July 1, 1979, the terms of elective city officers shall be extended or shortened automatically, effective July 1, 1979, as follows:

(i) The term of any officer which ends on a date other than the first Monday in January of an even numbered year shall be extended to the first Monday in January of the even numbered year first following the date the term would otherwise expire unless this extension would be more than 13 months. If the extension would be more than 13 months, the term shall be shortened to the first Monday in January of the even numbered year first preceding the date the term would otherwise expire; and

(ii) Every term of an odd number of years to which any officer would otherwise be elected shall be changed to a term of an even number of years, one year longer than the term otherwise provided.

(e) The term of any elective officer of any political subdivision required to hold the regular election of its officers on the local government election day which term is not extended or reduced under clauses (a) to (d) and which ends on a date different from the first Monday in January of an even numbered year is extended or reduced as provided in clause (d) (i), effective August 1, 1978. Every term of an odd number of years to which any officer of any such political subdivision may otherwise be elected, which term is not changed under clauses (a) to (d), is changed to a term of an even number of years one year longer than would otherwise be provided.

Subd. 3. [MODIFICATIONS PERMITTED FOR STAGGERED TERMS.] The governing body of any political subdivision required to hold its regular election on the local government election day may provide by ordinance or resolution that members of an elected body or other officers of the subdivision may be elected for a different term than is otherwise provided in order to achieve staggered terms for the members of that body or other officers. Any ordinance or resolution adopted pursuant to this subdivision with respect to the members of an elected body shall provide that, to the extent mathematically possible, the same number of persons is chosen at each election, exclusive of those chosen to fill vacancies for the unexpired terms.

Subd. 4. [PURPOSE.] It is the purpose and intent of this section to implement the provisions of Article I, Section 2, by requiring the adjustment of terms, postponement of certain elections and other procedures. To the extent inconsistent with this intent all general and special laws and municipal charter provisions providing otherwise are superseded. In all other respects, those laws and charter provisions shall continue in full force and effect.

Sec. 2. [REVISOR'S INSTRUCTION.] The revisor of statutes shall identify all special and general laws superseded as a result of Article I, Section 2, and Article V, Section 1, and shall draft a bill for an act to amend or repeal those laws in a manner consistent with the intent of Article I, Section 2 and Article V, Sec-

tion 1. The revisor shall transmit the draft, along with a summary explaining its provisions, to the legislature no later than October 1, 1977.

Sec. 3. [REPEALER.] *Minnesota Statutes 1976, Sections 123.015; 123.11, Subdivisions 2, 3, 4, 5 and 6; 123.32, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 11, 22, 24, 25, 26 and 27; 201.33; 205.02; 205.03; 205.07; 205.11; 205.18; 205.19; 205.20; and 447.32, Subdivisions 3 and 4, are repealed.*

Sec. 4. [EFFECTIVE DATE.] *Article II, Sections 14 and 16, Subdivisions 1 and 2; Article III, Sections 7, 8, 12 and 13, Article IV, Sections 7 and 8 and Article V, Section 2, are effective the day following final enactment. Article V, Section 1, Subdivision 2 is effective July 1, 1978. All other sections of this act are effective August 1, 1978."*

Further, strike the title and insert:

"A bill for an act relating to elections; establishing a local government election day for election of county, city and school district officers, county and municipal judges and officers of all other political subdivisions except towns; requiring uniform and coordinated election precincts and polling places for municipalities and school districts; integrating municipal and school district election laws with laws applicable to other elections; providing state reimbursement for the costs of administration of the election held on the local government election day; superseding certain inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1976, Chapters 204A, by adding a section; 205, by adding sections; and 210A, by adding a section; and Sections 40.05, Subdivisions 1, 3 and 4; 40.06, Subdivision 1; 123.12, Subdivisions 1 and 5; 123.32, Subdivisions 9, 13 and 23; 123.33, Subdivisions 1 and 4; 123.34, Subdivision 1; 123.351, Subdivisions 1 and 3; 123.51; 128.01; 200.02, Subdivisions 1, 8, 24, and by adding subdivisions; 201.071, Subdivision 1, and by adding a subdivision; 202A.52; 203A.17; 203A.32, Subdivision 3; 204A.06, Subdivision 1; 204A.09, Subdivision 1; 204A.11, Subdivision 3, and by adding a subdivision; 204A.40, Subdivision 2; 204A.45, Subdivision 1; 204A.47, Subdivision 2; 204A.49, by adding a subdivision; 205.01; 205.021; 205.13; 205.14; 205.16, Subdivision 2; 207.02; 207.03; 207.04; 207.151; 209.02, Subdivisions 1 and 3; 375.025, Subdivision 4; 375.03; 375.101, Subdivision 2; 375A.02, Subdivision 1; 375A.09, Subdivision 4; 382.01; 389.011, Subdivision 2; 397.06; 397.07; 398.04; 410.21; 412.02, Subdivision 2; 412.021, Subdivision 2; 412.571, Subdivision 5; 447.32, Subdivisions 1 and 2; 487.03, Subdivisions 2 and 5; 488A.021, Subdivision 3; and 488A.19, Subdivision 3; repealing Minnesota Statutes 1976, Sections 123.015; 123.11, Subdivisions 2, 3, 4, 5 and 6; 123.32, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 11, 22, 24, 25, 26 and 27; 201.33; 205.02; 205.03; 205.07; 205.11; 205.18; 205.19; 205.20; and 447.32, Subdivisions 3 and 4."

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 219: A bill for an act relating to veterans; redefining the word "veteran" for certain purposes; amending Minnesota Statutes 1976, Section 197.447.

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

S. F. No. 157: A bill for an act relating to elections; providing for payment of costs of certain special elections; amending Minnesota Statutes 1976, Section 204A.24.

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

Page 2, strike subdivision 2 in its entirety and insert:

"Subd. 2. The secretary of state shall reimburse towns, cities and counties for all expenses attributable to the conduct of any election to fill a vacancy in the legislature or congress, including expenses incurred to provide polling places and election judges. The secretary of state shall establish by rule the procedures required to implement this subdivision."

Page 2, strike section 2 in its entirety and insert:

"Sec. 2. This act is effective January 1, 1977."

Amend the title as follows:

Page 1, line 3, before "amending" insert "imposing duties on the secretary of state;"

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

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

S. F. No. 456: A bill for an act relating to elections; allowing municipalities to open polling places at 6:00 a.m.; amending Minnesota Statutes 1976, Section 204A.05, Subdivision 1.

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

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

S. F. No. 335: A bill for an act relating to elections; providing for judges of election to serve under certain conditions; amending Minnesota Statutes 1976, Sections 207.02; and 204A.17, Subdivisions 1 and 2.

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

Page 2, lines 12, 13 and 14, restore the stricken language and strike the new language.

Page 2, line 16, strike "each precinct therein" and insert "*that municipality or county*"

Page 2, line 21, after "1." insert "*A person may be appointed an election judge for a precinct in which he does not reside.*"

Page 2, line 21, restore the stricken "council" and strike "town"

Page 2, line 25, at the end of the line strike "of the two"

Page 2, line 26, strike "parties" and insert "*party*"

Page 3, line 4, strike "of the two leading"

Page 3, line 5, strike "parties" and insert "*party*"

Strike all of section 3 on pages 3 and 4

Amend the title as follows:

Page 1, line 5, strike "Subdivisions 1 and 2" and insert "Sub-division 1"

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

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

S. F. No. 344: A bill for an act appropriating money to the department of natural resources for the installation of a box culvert under a highway in Stearns county, providing a waterway connection between certain lakes to enable water craft to cross from one lake to the other.

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

Page 1, line 11, strike "the department of natural resources" and insert "Stearns county"

Amend the title as follows:

Line 2, strike "the department of natural"

Line 3, strike "resources" and insert "Stearns county"

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

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

S. F. No. 494: A bill for an act relating to waters; authorizing conveyance of a dam easement and empowering the town of Hines in Beltrami county to maintain and operate a dam.

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

Page 1, line 10, strike "all of the"

Page 1, strike lines 11 and 12, and insert "the state-owned Blackduck Lake outlet dam"

Page 1, line 13, after "in" insert "Government"

Page 1, line 13, before "Section" strike "of" and insert a comma

Page 1, line 13, before "Range" strike "of" and insert a comma

Page 1, line 14, strike "in" and insert a comma

Page 1, line 14, after "county" insert "and all the state's right, title and interests appurtenant thereto, including a damsite easement acquired therefor in 1937"

Page 1, line 18, strike "and 378.32" and insert ", Subdivision 4, 378.34 and 378.35"

Page 1, line 18, after "the" insert "acquisition,"

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

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

S. F. No. 506: A bill for an act relating to taxation; extending the tax credit for feedlot pollution control equipment and providing for a carryback and carryover of the credit from one year to another; exempting feedlot pollution control equipment under certain conditions from the sales and use tax; amending Minnesota Statutes 1976, Sections 290.06, Subdivision 9a; and 297A.25, Subdivision 1.

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

Page 1, line 17, strike "aerating equipment,"

Page 2, strike lines 12 to 32

Page 3, strike lines 1 to 32

Page 4, strike lines 1 to 32

Page 5, strike lines 1 to 32

Page 6, strike lines 1 to 32

Page 7, strike lines 1 to 32

Page 8, strike lines 1 to 32

Page 9, strike lines 1 to 15

Page 9, line 16, strike "3" and insert "2"

Page 9, line 16, strike "Section 1" and insert "This act"

Page 9, line 17, strike "Section 2 is effective for"

Page 9, strike line 18

Amend the title as follows:

Line 5, strike "exempting feedlot pollution"

Strike line 6

Line 7, strike "the sales and use tax;"

Line 8, strike "Sections" and insert "Section"

Line 8, strike "; and"

Line 9, strike "297A.25, Subdivision 1"

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

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

S. F. No. 483: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain executive branch employees; requiring political subdivisions of the state to report certain salaries; providing for a report by the personnel board; amending Minnesota Statutes 1976, Sections 3.099; 3.102; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.069; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; and 487.01, Subdivision 5; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; and 487.05.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 15A.081, Subdivision 1, is amended to read:

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

	Base Salary or Range
Administration, department of commissioner	\$36,000
	\$41,000
deputy commissioner	28,800
Aeronautics, department of commissioner	20,400
Agriculture, department of commissioner	22,000
	36,000
deputy commissioner	17,600
Attorney general, office of attorney general	36,500

	Base Salary or Range
deputy attorney general	19,100 — 31,500 23,000 — 42,000
Auditor, office of auditor	26,000 26,000
deputy auditor	20,800
Commerce, department of commissioner of banks	22,000 32,000
commissioner of insurance	22,000 32,000
commissioner of securities	22,000 32,000
<i>director of consumer services</i>	32,000
<i>executive secretary, commerce commission</i>	27,000
Community college system chancellor	27,500 41,000
Corrections, department of commissioner	28,000 36,000
deputy commissioner	22,400 32,000
<i>ombudsman</i>	32,000
<i>Crime prevention and control, governor's commission on executive director</i>	29,000
Economic development, department of commissioner	22,000 32,000
deputy commissioner	17,600
Education, department of commissioner	29,800 41,000
Employment services, department of commissioner	26,400 32,000
<i>Energy agency director</i>	36,000

	Base Salary or Range
Finance, department of commissioner	35,500 45,000
deputy commissioner	28,400
Governor, office of governor	41,000
Health, department of commissioner	30,300 41,000
<i>Hearing examiners office chief hearing examiner</i>	36,000
Higher education coordinating board executive director	26,100 36,000
assistant executive director	20,000
<i>Housing finance agency executive director</i>	36,000
Human rights, department of commissioner	20,000 29,000
Indian affairs board executive director	17,500 25,000
Investment, board of executive secretary	35,000 41,000
<i>Iron range resources and rehabilitation board commissioner</i>	29,000
Labor and industry, department of commissioner	26,400 36,000
deputy commissioner	21,100
judge of the workers compensation court of appeals	22,000 36,000
director, mediation services	21,000 29,000
Lieutenant governor, office of lieutenant governor	30,000

	Base Salary or Range
Natural resources, department of commissioner	28,300 41,000
deputy commissioner	22,600
Personnel, department of commissioner	21,000 41,000
deputy commissioner	24,800
Planning agency director	27,000 41,000
Pollution control agency director	24,000 36,000
Public safety, department of commissioner	26,900 36,000
deputy commissioner	21,500
Public service, department of commissioner, public service commission	22,000 32,000
director	20,700 32,000
Public welfare, department of commissioner	23,600 41,000
deputy commissioner	26,900
Revenue, department of commissioner	28,000 41,000
Secretary of state, office of secretary of state	25,000
deputy secretary of state	17,500
State university system chancellor	22,500 41,000

	Base Salary or Range
Transportation, department of commissioner	33,600 41,000
Treasury, state treasurer	25,000
deputy treasurer	17,500
Veterans affairs, department of commissioner	16,000 29,000
Vocational rehabilitation, department of commissioner	32,000

Sec. 2. Minnesota Statutes 1976, Section 15A.081, is amended by adding a subdivision to read:

Subd. 5. A deputy of a position listed in subdivision 1, other than the attorney general, shall be paid a base salary equal to 85 percent of the salary of the head of that department or agency as listed in subdivision 1.

Sec. 3. Minnesota Statutes 1976, Section 43.067, 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 his organization unless the personnel board approves an exemption in individual cases the agency. 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.*

Subd. 2. [DISCRETIONARY EXEMPTIONS.] The personnel board may grant exemptions from the provisions of subdivision 1 in the case of individual persons. A salary increase authorized by other law by reason of seniority or cost of living adjustments shall not be sufficient reason to grant an exemption. The board may grant an exemption upon application of the appointing authority, but only if the board determines that the position requires special expertise necessitating a higher salary in order to attract or retain qualified persons. In no event may a salary exempted pursuant to this subdivision exceed 120 percent of the base salary of the position in respect to which the exemption was requested.

Subd. 3. [MEDICAL DOCTORS EXEMPTED.] Salaries of medical doctors who are occupying positions which the commissioner of personnel determines require an M.D. degree and who are paid under the provisions of section 43.126, shall be excluded from the limitation provided in this section.

Subd. 4. [LIMIT ON POLITICAL SUBDIVISION SALA-

RIES.] *Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district or other political subdivision of the state may exceed the salary of the governor.*

Sec. 4. Minnesota Statutes 1976, Section 43.09, Subdivision 2a, is amended to read:

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

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (4). *Positions established pursuant to this section may not include an assistant to the commissioner or any other position, other than a personal secretary, which will not have managerial or supervisory functions within a department or agency.*

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

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

(4) Positions so established are limited in number to six in the departments of administration, corrections, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, and personnel; to four in the departments of agriculture, economic development, and employment services; to three in the department of public service, the plan-

ning agency, and the pollution control agency; and to two in the departments of human rights and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) Funds are available.

Sec. 5. Minnesota Statutes 1976, Section 15A.081, is amended by adding a subdivision to read:

Subd. 7. [METROPOLITAN AGENCIES.] The following salaries are provided for officers of metropolitan agencies:

<i>Chairman, metropolitan council</i>	<i>\$39,000</i>
<i>Chairman, metropolitan airports commission</i>	<i>10,000</i>
<i>Chairman, metropolitan transit commission</i>	<i>33,500</i>
<i>Chairman, metropolitan waste control commission</i>	<i>15,000</i>

Sec. 6. Minnesota Statutes 1976, Section 473.123, Subdivision 4, is amended to read:

Subd. 4. [CHAIRMAN; APPOINTMENT, DUTIES.] (a) The chairman of the metropolitan council shall be appointed by the governor as the 17th voting member thereof by and with the advice and consent of the senate to serve at his pleasure. He shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability.

(b) The chairman of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal executive officer. He shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. His salary and expense allowances shall be fixed by the metropolitan council as provided in section 15A.081, and he shall be eligible for expenses in the same manner and amount as state employees.

Sec. 7. Minnesota Statutes 1976, Section 473.141, Subdivision 7, is amended to read:

Subd. 7. [COMPENSATION.] Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by the members of the commission section 15A.081 and shall be reimbursed for reasonable expenses to the same extent as a member.

Sec. 8. Minnesota Statutes 1976, Section 473.605, Subdivision 2, is amended to read:

Subd. 2. Each commission member shall be paid a per diem compensation of \$35 for each meeting and for such other ser-

VICES as are specifically authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive such compensation as the commission shall determine a salary as prescribed in section 15A.081 and shall be reimbursed for reasonable expenses to the same extent as a member.

Sec. 9. Minnesota Statutes 1976, Section 15A.081, is amended by adding a subdivision to read:

Subd. 6. [CONSTITUTIONAL OFFICERS.] The following salaries are provided for the constitutional officers of the state:

<i>Governor</i>	<i>\$58,000</i>
<i>Attorney general</i>	<i>49,000</i>
<i>Lieutenant governor</i>	<i>36,000</i>
<i>Auditor</i>	<i>30,000</i>
<i>Secretary of state</i>	<i>30,000</i>
<i>Treasurer</i>	<i>30,000</i>

The salaries of the deputy auditor, deputy secretary of state and deputy treasurer shall be 85 percent of the salaries of their respective superior constitutional officers.

Sec. 10. Minnesota Statutes 1976, Section 3.099, is amended to read:

3.099 [MEMBERS; COMPENSATION AND EXPENSES. FLEXIBLE SESSIONS.] Subdivision 1. The compensation of each member of the house of representatives of the legislature shall be \$16,900 for the entire term to which he is elected, which shall be due on the first day of the regular legislative session of the term and payable as follows:

\$700 in equal parts on the fifteenth day of January and on the first day of each month, February to December, inclusive, during the term for which he was elected.

The compensation of each senator of the legislature shall be \$32,600 for the term to which he is elected, of which \$16,900 shall be due on the first day of each regular legislative session of the term and payable as follows:

\$700 on the fifteenth day of January and on the first day of each month February to December, inclusive, during the term for which he was elected.

Each member shall receive mileage for necessary travel in going to and returning from the place of meeting to his place of residence in such amount and for such trips as may be authorized by the senate as to senate members, and by the house of representatives as to house members.

Each member shall receive in addition to the foregoing, such

per diem living expenses during a regular or special session of the legislature in such amounts and for such purposes as may be determined by the senate as to senate members and by the house of representatives as to house members ; *provided, that because of the salary increases provided in subdivision 2, the amount of the per diem living expenses payable commencing with the start of the legislative session in 1979 shall be substantially less than the per diem living expenses payable on the effective date of this act .*

On the fifteenth day of January and on the first day of each month, February to December, inclusive, the secretary of the senate and the chief clerk of the house of representatives, shall certify to the commissioner of finance, in duplicate, the amount of compensation then payable to each member of their respective houses, and the aggregate thereof.

Subd. 2. The compensation of each member of the legislature until the start of the legislative session in 1979 shall be \$8,400 per year. Commencing with the start of the legislative session in 1979, the compensation of each member of the legislature shall be \$16,500 per year. Effective January 1, 1980, the compensation of each member of the legislature will be \$18,500 per year.

Subd. 3. Commencing with the start of the legislative session in 1979, the president of the senate, the majority leader, assistant majority leader and minority leader of the senate, the speaker of the house of representatives, and the majority leader and minority leader of the house of representatives shall be paid 150 percent of the compensation of other members.

Sec. 11. Minnesota Statutes 1976, Section 3.102, is amended to read:

3.102 [LEGISLATIVE LIVING EXPENSES.] Each member of the legislature shall be reimbursed for expenses incurred while engaged in official business when the legislature is not in session. The amount of such reimbursement shall not exceed \$33 \$48 per day as a per diem expense allowance for all expenses incurred except travel and lodging. The member shall also be reimbursed for travel and lodging expenses in the same manner and amount as state employees.

Expenses for members of the legislature are payable in the manner and in the amount designated by the senate committee on rules and administration as to members of the senate and by the committee on rules and legislative administration as to members of the house of representatives.

The expense allowances provided for herein to the persons designated are in lieu of any other expenses authorized by law or resolution for the same purposes.

Sec. 12. Minnesota Statutes 1976, Section 15A.083, is amended to read:

15A.083 [SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH.] Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.]

The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

(1) Chief justice of the supreme court	\$40,000
	\$52,000
(2) Associate justice of the supreme court	36,500
	49,000
(3) District judge	32,000
	40,000
(4) <i>Judge of a county court</i> <i>(learned in the law)</i>	38,000
(5) <i>Judge of a county court</i> <i>(not learned in the law)</i>	27,000

Each district judge shall receive \$1,500 additional annually from the state for each county in his district having a population of 200,000 or more. When any district judge shall preside upon the trial or hearing of any cause outside of his resident district wherein the district judge receives a larger salary he shall receive an additional compensation during the period of such trial or hearing the difference between his fixed compensation and the compensation of the district judge of the district where he has been so engaged, to be paid by the county state upon certification of the chief district judge of the district wherein the trial or hearing was held upon certification of the senior resident district judge thereof.

An amount due from a county under this subdivision shall be paid by the state and forthwith reimbursed by the county.

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

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota \$29,000 \$40,000.

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

(4) *The amounts required to pay the salaries of county court judges and the salaries provided in this subdivision are appropriated from the general fund of the state treasury.*

Subd. 3. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of positions for which ranges have been provided shall fix individual salaries under the provisions of section 15A.081, subdivision 2.

Public defender	\$24,000—30,000	\$26,400—35,000
Court administrator	25,000—32,000	27,400—35,000
County attorneys council executive director	18,000—27,500	20,400—29,700

Subd. 4. [TAX COURT OF APPEALS.] Salaries of judges of the tax court of appeals. . . . \$10,500 \$15,000.

Sec. 13. Minnesota Statutes 1976, Section 487.01, Subdivision 5, is amended to read:

Subd. 5. Each county court district shall elect one county court judge except:

(1) The district consisting of St. Louis county shall elect six judges; two of the county court judges shall reside and serve in and be elected at large by the voters of St Louis county; two of the county court judges shall reside and serve in and be elected by the voters in that part of St. Louis county south of the following described line: South of the south line of township 55; the area to be known as the south district; one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northwest district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and west of the west line of range 18 and excluding that part of Portage township west of the west line of range 18; and one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northeast district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and east of the west line of range 18 and including that part of Portage township west of the west line of range 18.

(2) The district consisting of Dakota county, the district consisting of Anoka county and the district consisting of Stearns, Sherburne and Benton shall each elect five judges;

(3) The district consisting of Olmsted and Dodge counties, the district consisting of Winona and Wabasha counties and the district consisting of Washington county shall each elect three judges;

(4) The district consisting of Blue Earth county, the district consisting of Clay county, the district consisting of Sibley, Meeker and McLeod counties, the district consisting of Martin, Watonwan and Faribault counties and the district consisting of Pine, Chisago and Isanti counties shall each elect two county court judges ;

(5) The number of judges to be elected may be increased by the county board of the affected county or by the concurrence of the county boards of those affected counties combined into districts ; *provided that no new judge positions authorized pursuant to this section may be created without specific statutory authorization .*

Sec. 14. [TEMPORARY PROVISION.] *Notwithstanding any other provision of this act to the contrary, an increase in com-*

pensation provided a district or supreme court judge herein shall not take effect until every judge of the district court and justice of the supreme court who served in the district or supreme court prior to July 1, 1967, submits an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106.

Sec. 15. [TEMPORARY PROVISION.] *No incumbent whose salary is prescribed in section 15A.081 or 15A.083, or whose salary is limited by section 43.067, shall suffer a decrease in salary as a result of this act. If an incumbent's new salary as prescribed by section 15A.081 or 15A.083, is less than the salary he is earning on the day prior to the effective date of this act, the salary for that incumbent, for as long as he holds that position, shall be the salary he is receiving on the day prior to the effective date of this act. This provision shall be effective for a particular incumbent until a vacancy in the position occurs or the salary of the incumbent falls below a newly established statutory limit.*

An incumbent whose salary was, prior to the effective date of this act, set pursuant to section 43.126 may, at his discretion, continue to have his salary set pursuant to section 43.126 without reference to section 15A.081 or 43.067.

An incumbent whose position is not listed in section 15A.081 and whose salary on the effective date of this act is higher than that permitted by section 43.067, shall continue to receive that higher salary for as long as he holds that position, but he shall not be eligible for increases (1) until his salary is no longer higher than that permitted by section 43.067, or (2) unless the personnel board approves an exemption pursuant to section 43.067, subdivision 2.

No person shall be removed from his position as a result of the limitations placed in section 43.09, subdivision 2a, by this act. When a position which was filled as of March 1, 1977, pursuant to section 43.09, subdivision 2a, becomes vacant, the position may not be refilled unless the position meets the requirements of section 43.09, subdivision 2a, as amended by this act.

Sec. 16. [REPEALER.] *Minnesota Statutes 1976, Sections 15A.081, Subdivision 4; 43.066; 43.069; 487.05 and 490.102, Subdivision 5 are repealed. Minnesota Statutes 1976, Section 3.13 is repealed on January 1, 1979.*

Sec. 17. [EFFECTIVE DATE.] *This act is effective July 1, 1977."*

Further, amend the title by striking in its entirety and inserting:

"A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain executive branch employees; limiting the ability of appointing authorities to fill certain unclassified positions; prohibiting salaries of employees of political subdivisions from exceeding the salary of the governor;

removing achievement awards; amending Minnesota Statutes 1976, Sections 3.099; 3.102; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.09, Subdivision 2a; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; and 487.01, Subdivision 5; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; 43.069; 487.05 and 490.102, Subdivision 5.”

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 383: A bill for an act relating to veterans; commissioner of veterans affairs; changing residency requirements for the commissioner and certain officers and employees of the department of veterans affairs; amending Minnesota Statutes 1976, Section 196.02, Subdivision 1.

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

Page 2, after line 11 insert

“Sec. 2. Minnesota Statutes 1976, Section 197.601, is amended to read:

197.601 [QUALIFICATIONS OF VETERANS SERVICE OFFICERS.] No person shall be appointed a veterans service officer under sections 197.60 to 197.606 unless he has the following qualifications:

(1) Residence in the state of Minnesota ~~for~~ at least five years prior ~~to~~ his appointment;

(2) Citizenship in the United States;

(3) Veteran as defined in section 197.447;

(4) Education and training for the duties of veterans service officer;

(5) Knowledge of the law and the regulations and rulings of the United States Veterans Administration applicable to cases before it and the administration thereof.”

Amend the title as follows:

Page 1, line 4, after “commissioner” strike “and” and insert a comma

Page 1, line 5, after “affairs” insert “, and veterans service officers”

Page 1, line 6, strike “Section” and insert “Sections”

Page 1, line 7, after “1” insert “; and 197.601”

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

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 258: A bill for an act relating to taxation; exempting home heating fuel from the sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Page 8, line 14, strike "*used to*"

Page 8, strike lines 15 to 17 and insert "*oil, liquid propane, or other petroleum based fuel sold and delivered during the months of July, August and September, for use in heating a homestead as defined in section 290A.03, subdivision 6.*"

Page 8, line 18, strike "*for*" and insert "*from the day after enactment to June 30, 1979.*"

Page 8, strike line 19

Amend the title as follows:

Page 1, line 2, strike "*fuel*" and insert "*fuels sold and delivered during the months of July, August and September*"

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

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

H. F. No. 235: A bill for an act relating to agriculture; soybean research and promotion council; powers of the commissioner of agriculture and the council; providing for an increase in fees and specifying the uses thereof; amending Minnesota Statutes 1976, Sections 21A.01; 21A.05; 21A.06; 21A.09; 21A.12; 21A.16, Subdivision 2; 21A.19, Subdivision 1; and Chapter 21A, by adding a section; repealing Minnesota Statutes 1976, Section 21A.18.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 21A.01, is amended to read:

21A.01 [PURPOSE.] It is hereby declared that the market development, promotion and advertising, market research and production of soybeans grown in Minnesota is important to the general welfare of the people of Minnesota; that it is in the public interest that better methods of marketing, producing, processing, advertising, and promoting soybeans grown in the state of Minnesota be fostered, encouraged, developed, and improved, so that the soybean industry within the state, the people employed by said industry, directly or indirectly, and the people of the state of Minnesota, should be benefited thereby; and that accomplishment of these purposes requires establishment of a Minnesota soybean

research and promotion council for the purpose of contributing to the protection, expansion, stabilization and improvement of the agricultural economy of this state. Sections 21A.01 to 21A.19 shall not be construed to abrogate or limit, in any way, the rights, powers, duties and functions of the commissioner of agriculture or any other agency of the state, but shall be supplementary thereto, and in aid and cooperation therewith.

Sec. 2. Minnesota Statutes 1976, Section 21A.04, is amended to read:

21A.04 [TERMS OF MEMBERS.] Except as provided herein with respect to initial members of the council, each member shall be elected for a three-year term. Regular elections shall be conducted by the commissioner as provided by section 21A.03 and any regulation promulgated pursuant thereto, ~~provided that the council may by majority vote modify any regulation governing the election procedure.~~ Each member shall hold office until his successor is elected and qualified. When a vacancy occurs for any reason the council shall by majority vote appoint a successor to fill the unexpired term. The successor so appointed shall be a grower residing in the same crop reporting unit as the former member whose departure created the vacancy.

Sec. 3. Minnesota Statutes 1976, Section 21A.05, is amended to read:

21A.05 [RULES.] In administering sections 21A.01 to 21A.19, the commissioner shall have any of the powers conferred upon him by law. He may, *after consultation with the council*, promulgate such rules and regulations as he may deem *are deemed* necessary to effectuate the purposes of sections 21A.01 to 21A.19, *including but not limited to, administration of the promotional order, establishment of minimal requirements to qualify as a producer, and overseeing the preparation of an annual report of the programs financed in whole or in part by the order.*

Sec. 4. Minnesota Statutes 1976, Section 21A.06, is amended to read:

21A.06 [PROMOTIONAL ORDER.] The council shall meet as it may determine, or upon call of the chairman or any three members. Promptly after its election, the council shall meet and, with the commissioner, shall formulate a promotional order establishing a program including, but not limited to, market development, promotion, advertising, market research, production and distribution of soybeans grown in Minnesota. The order shall establish ~~fees~~ *a fee* to be paid by growers to finance the proposed activities, ~~which~~. *Except as provided herein, the fee shall not exceed be less than one-half cent per bushel upon all soybeans grown in the state of Minnesota and sold in commercial channels, beginning with and including soybeans harvested in the marketing year beginning September 1, 1973, and each and every marketing year thereafter. The order shall also indicate the maximum assessment rate which shall not exceed one-half percent of the market value of the year's production of all participating producers. Any increase in the assessment provided for in the*

promotional order must be within the limit herein prescribed in increments of not more than one half cent per bushel annually and must be approved by a majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed increase. Any decrease in the assessment shall be by decision of the council, however, such decrease shall not establish an assessment of less than one-half cent per bushel unless approved by a majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed decrease. The order may also authorize the collector of the fee to retain an amount specified by the council for the expenses of collecting the fee.

The commissioner, *after consultation with the advice and consent of the council*, shall hold a public hearing on the proposed promotional order and shall thereafter hold a referendum on the final promotional order among growers. The commissioner, *after consultation with the advice and consent of the council*, shall specify the time and procedure for the referendum. The commissioner shall count and tabulate the ballots. The promotional order shall become effective if approved by a majority of those voting in the referendum.

Sec. 5. Minnesota Statutes 1976, Section 21A.09, is amended to read:

21A.09 [DEPOSIT OF FEES; USE.] *Subdivision 1. Fees collected pursuant to sections 21A.01 to 21A.19 shall be deposited in a bank or banks or other depository approved by the commissioner of banks and shall be disbursed by such officers and employees as may be approved by the commissioner, after consultation with the advice and consent of the council, for the necessary expenses incurred in the administration of sections 21A.01 to 21A.19, and said funds are hereby appropriated for the purposes of sections 21A.01 to 21A.19. Fees collected shall be used exclusively for the specific purpose for which collected and not for legislative or political activities.*

Subd. 2. Fees collected shall be used exclusively for the purposes described in section 21A.01, and no part thereof may be used to support any political party or candidate for public office. However, the council may utilize a portion of such fees not to exceed ten percent of the fees collected annually to expand or maintain soybean markets in any of the following ways: (a) to oppose any foreign or domestic barriers to free trade; (b) to oppose any policy deemed harmful to the interests of soybean growers and to the soybean industry; (c) to maintain liaison with and furnish data and information to all interested governmental branches, departments and personnel relative to the interests of soybean growers.

Subd. 3. All persons authorized to control, handle, or disburse funds shall provide bond in such form and amount as may be required from time to time by the council.

Sec. 6. Minnesota Statutes 1976, Section 21A.11, is amended to read:

21A.11 [ADDITIONAL POWERS OF COMMISSIONER.] The commissioner, *after consultation with the advice and consent of the council*, may contract and cooperate with any person, firm, corporation, or association, or with any local, state, federal, or international agency, including the Minnesota department of agriculture, for market development, education, publicity, promotion, research, transportation, and advertising within the purposes of sections 21A.01 to 21A.19; appoint, employ, bond, discharge, fix compensation for, and prescribe the duties of such administrative, clerical, technical, and other personnel and agencies as may be deemed necessary.

Sec. 7. Minnesota Statutes 1976, Chapter 21A, is amended by adding a section to read:

[21A.115] [COOPERATION.] *The commissioner is authorized to cooperate and enter into agreements with any appropriate agency of any state for the purpose of carrying out the provisions of sections 21A.01 to 21A.19, and in securing uniformity of administration and enforcement.*

Sec. 8. Minnesota Statutes 1976, Section 21A.12, is amended to read:

21A.12 [ADDITIONAL POWERS OF COUNCIL.] In addition to the other duties and powers of the council, as herein set forth, it may ~~draft and administer promotional orders; recommend to the commissioner administrative rules and regulations relating to promotional orders; recommend amendments to such orders; submit to the commissioner an annual estimated budget for the operation and implementation of promotional orders;~~ :

(1) Assess growers and provide a procedure for the collection of funds to finance promotional orders;

(2) Collect such necessary information and data as the commissioner and council may deem necessary to the proper administration of sections 21A.01 to 21A.19;

(3) *Prepare and submit to the commissioner an annual estimated budget for the operation of the promotional order;*

(4) *Prepare an annual report on the programs of the order, said report to be made available to the producers concerned;*

(5) Provide for an annual audit of funds to be made by a qualified auditing entity; ~~to~~

(6) Expend the funds collected pursuant to provisions of sections 21A.01 to 21A.19 and appropriated for its administration;

(7) Accept donations of funds, property, services, or other assistance from public or private sources for the purposes of furthering the objectives of sections 21A.01 to 21A.19;

(8) Investigate and prosecute in the name of the state of Minnesota any action or suit to enforce the collection or insure payment of the fees authorized by the provisions of sections 21A.01 to 21A.19 and to sue and be sued in the name of the council; ~~to and~~

(9) Do all other things necessary to the administration and implementation of sections 21A.01 to 21A.19.

Sec. 9. Minnesota Statutes 1976, Section 21A.14, is amended to read:

21A.14 [RECORDS OF COUNCIL.] All of the records of the council shall be public records and shall be available for the inspection of any person for any lawful purpose, provided however, that the council shall be empowered to make reasonable rules and regulations concerning the inspection of such records and the time or place of such inspection, or the manner in which the information shall be made available.

Sec. 10. Minnesota Statutes 1976, Section 21A.15, is amended to read:

21A.15 [MISDEMEANOR TO VIOLATE PROVISIONS OF SECTIONS 21A.01 TO 21A.19.] Any person who violates any provision of sections 21A.01 to 21A.19 or rule or regulation of the commissioner promulgated pursuant hereto, is guilty of a misdemeanor.

Sec. 11. Minnesota Statutes 1976, Section 21A.16, Subdivision 1, is amended to read:

21A.16 [SUSPENSION OR TERMINATION OF SOYBEAN PROMOTIONAL ORDER.] Subdivision 1. The commissioner, *after consultation* with the consent of the council, shall suspend or terminate a promotional order whenever he finds, after a public hearing, that an order is contrary to or does not tend to effectuate the declared purposes or provisions of sections 21A.01 to 21A.19, provided that such suspension or termination shall not become effective until the expiration of the current marketing year.

Sec. 12. Minnesota Statutes 1976, Section 21A.16, Subdivision 2, is amended to read:

Subd. 2. If the commissioner, with the advice and consent of the council, finds that termination of any promotional order is requested in writing by more than 500 growers, the commissioner shall, *after consultation with the council*, conduct a referendum to determine whether or not the promotional order shall be continued. He shall terminate the promotional order if a majority of the growers voting in the referendum vote in favor of termination. The referendum shall be conducted in such manner as the commissioner, *after consultation* with the advice and consent of the council, deems fair and reasonable.

Sec. 13. Minnesota Statutes 1976, Section 21A.17, is amended to read:

21A.17 [REFUND OF FEE.] Any grower may, by the use of forms provided by the commissioner and upon presentation of a sworn statement that no security interest in that particular soybean crop remains unsatisfied and such other proof as the commissioner may require by rule or regulation, have the fee paid pursuant to sections 21A.01 to 21A.19 refunded to him. A lienholder,

secured party or pledgee, or assignee of a lienholder, secured party or pledgee may, by use of the forms provided by the commissioner and upon presentation of a sworn statement that such party has taken title to that particular soybean crop through the exercise of a legal right or that such party has himself paid the required fee and such other proof as the commissioner may by rule or regulation require, have the fee paid pursuant to sections 21A.01 to 21A.19 refunded to him. Any request for refund must be received in the office of the commissioner or the council within 60 days following the payment of such fee. Refund shall be made by the commissioner within 30 days after receipt of the request for refund provided that the fee sought to be refunded has been received.

Sec. 14. Minnesota Statutes 1976, Section 21A.19, Subdivision 1, is amended to read:

21A.19 [NONLIABILITY OF STATE; SEVERABILITY.] Subdivision 1. No liability shall be imposed upon the state of Minnesota for any acts or omissions of the commissioner or of the soybean council established pursuant to sections 21A.01 to 21A.19.

Sec. 15. [REPEALER.] *Minnesota Statutes 1976, Section 21A.18, is repealed.*"

Amend the title as follows:

Line 6, after the semicolon insert "21A.04;"

Line 7, after "21A.09;" insert "21A.11;"

Line 7, after "21A.12;" insert "21A.14; 21A.15;"

Line 8, strike "Subdivision" and insert "Subdivisions 1 and"

Line 8, after "2," insert "21A.17;"

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

SECOND READING OF SENATE BILLS

S. F. No. 456 was read the second time.

S. F. Nos. 319, 194, 146, 465, 257, 312, 219, 335 and 383 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. 235 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Hughes moved that S. F. No. 39 be withdrawn from the Committee on Education and re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Mr. Kleinbaum moved that S. F. No. 68 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Hughes moved that S. F. No. 430 be withdrawn from the Committee on Education and re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Mr. Kleinbaum moved that the name of Mr. Anderson be added as co-author to S. F. No. 512. The motion prevailed.

Mr. Solon moved that the name of Mr. Vega be added as co-author to S. F. No. 692. The motion prevailed.

Mr. Tennessen moved that the name of Mr. Milton be added as co-author to S. F. No. 707. The motion prevailed.

Mr. Keefe, S. moved that the name of Mr. Sikorski be added as co-author to S. F. No. 708. The motion prevailed.

Mr. Strand moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 168. The motion prevailed.

CONSENT CALENDAR

S. F. No. 218: A bill for an act relating to municipalities; procedures required for the letting of certain contracts; amending Minnesota Statutes 1976, Section 471.345, Subdivisions 3, 4 and 5.

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 43 and nays 10, as follows:

Those who voted in the affirmative were:

Bang	Gunderson	Lessard	Pillsbury	Staples
Benedict	Hanson	Lewis	Purfeerst	Stokowski
Bernhagen	Hughes	McCutcheon	Renneke	Strand
Brataas	Keefe, J.	Moe	Schaaf	Ueland, A.
Coleman	Kirchner	Nelson	Schmitz	Vega
Dunn	Kleinbaum	Nichols	Schrom	Wegener
Engler	Knoll	Ogdahl	Setzepfandt	Willet
Frederick	Knutson	Penny	Sieloff	
Gearty	Laufenburger	Peterson	Sikorski	

Those who voted in the negative were:

Borden	Dieterich	Luther	Spear	Tennessen
Chenoweth	Johnson	Merriam	Stumpf	Ulland, J.

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S. F. Nos. 296, 321, 250, 332 and 170 which the committee recommends to pass.

S. F. No. 107, which the committee recommends to pass with the following amendment offered by Mr. Hanson:

Page 1, line 9, strike "*of this act*"

Page 2, line 4, strike "*of this act*"

Page 2, line 7, strike "*of*"

Page 2, line 8, strike "*this act*"

Page 4, line 23, strike "*of this act*"

Page 5, lines 27 and 31, strike "*of this act*"

Page 6, line 28, strike "*of this act*"

Page 8, line 8, strike "*of this act*"

Page 8, line 9, strike the comma

Page 8, line 10, strike "*divorce*"

Page 8, line 10, after "*or*" insert "*to*"

Page 8, line 11, strike "*, divorce*"

Page 9, line 22, after "*Unless*" insert "*it is alleged in the first pleading of a party to a custody proceeding that*"

Page 9, line 24, strike "*of this act*"

Page 12, lines 1, 7, and 11, strike "*of this act*"

Page 12, line 18, strike "*of this*"

Page 12, line 19, strike "*act*"

Page 14, line 18, after "*county*" and before the period insert "*in which the proceedings are pending*"

Page 16, lines 2, 4, 12, and 15, strike "*of this act*"

Page 16, line 26, strike the second "*of*"

Page 16, line 27, strike "*this act*"

H. F. No. 38 which the committee reports progress, subject to the following motion:

Mr. Chenoweth moved to amend H. F. No. 38 as follows:

Page 2, line 20, after "*sale*" and before the period, insert: "*, including the construction of dwellings on land owned by vendees*"

The motion prevailed. So the amendment was adopted.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 11:30 o'clock a.m., Thursday, March 17, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FOURTH DAY

St. Paul, Minnesota, Thursday, March 17, 1977

The Senate met at 11:30 o'clock a.m. and was called to order by the President.

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

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Stumpf and Tennessen were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 15, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 48.

Sincerely,
Rudy Perpich, Governor

March 15, 1977

The Honorable Martin O. Sabo
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 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Section Laws Chapter No.	Date Approved 1977	Date Filed 1977
	12	2	March 15	March 15
48		3	March 15	March 15

Sincerely,
Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Spear, Sikorski, Davies, Tennessen and Borden introduced—

S. F. No. 784: A bill for an act relating to insurance; increasing solicitors license fees; establishing a duty of reasonable supervision for those employing agents; authorizing issuance of cease and desist orders and injunctions; prescribing and clarifying penalties; amending Minnesota Statutes 1976, Sections 60A.17, Subdivision 4, and by adding subdivisions; and 72A.07.

Referred to the Committee on Commerce.

Messrs. Kirchner, Schmitz, Knutson, Purfeerst and Bang introduced—

S. F. No. 785: A bill for an act relating to the counties of Hennepin and Scott; directing the counties to design and construct a temporary replacement of the Bloomington ferry bridge.

Referred to the Committee on Transportation.

Messrs. Sikorski and Knutson introduced—

S. F. No. 786: A bill for an act relating to children; providing visitation rights to minor children in certain cases; amending Minnesota Statutes 1976, Section 257.022, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Humphrey, Laufenburger, Kleinbaum, Mrs. Brataas and Mr. Solon introduced—

S. F. No. 787: A bill for an act relating to commerce; providing for licensing and regulation of tree experts; providing a penalty.

Referred to the Committee on Agriculture and Natural Resources. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Benedict, Nelson and Luther introduced—

S. F. No. 788: A bill for an act relating to taxation; providing an additional tax on gasoline and special fuel; directing that the additional tax be used for solar energy research; providing an appropriation; proposing a constitutional amendment to Article XIV, Sections 5 and 10 to allow such a use of tax revenue; amending Minnesota Statutes 1976, Section 296.18, Subdivisions 4 and 5; and Chapter 296, by adding a section.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Schaaf, Sikorski and Chenoweth introduced—

S. F. No. 789: A bill for an act relating to commerce; regulating and licensing collection agencies and certain employees; providing civil remedies; prohibiting practices; providing investigatory powers; providing a penalty; amending Minnesota Statutes 1976, Sections 332.31, Subdivision 3, and by adding subdivisions; 332.32; 332.33; 332.37; 332.42; 332.43, Subdivision 1; 332.44; and Chapter 332, by adding sections; repealing Minnesota Statutes 1976, Sections 332.31, Subdivision 5; 332.34; 332.35; 332.40; and 332.43, Subdivisions 2 and 3.

Referred to the Committee on Commerce.

Messrs. Nelson and Penny introduced—

S. F. No. 790: A bill for an act relating to lakes; providing for restoration of Fountain and Albert Lea lakes in Freeborn county; making a grants-in-aid available for improving water quality to provide the state share of a state and local matching funds to an already awarded federal grant; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Laufenburger, Spear, Kleinbaum, Sikorski and Tennesen introduced—

S. F. No. 791: A bill for an act relating to insurance; examination fees; abstract or summary of the annual statement; amending Minnesota Statutes 1976, Sections 60A.03, Subdivision 5; 60A.13, Subdivision 3; and 60A.14, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Laufenburger and Tennesen introduced—

S. F. No. 792: A bill for an act relating to insurance; providing for higher limits of liability coverage and uninsured motorist coverage; amending Minnesota Statutes 1976, Sections 65B.06, Subdivision 2; and 65B.49, Subdivision 6.

Referred to the Committee on Commerce.

Messrs. Stumpf, Olson, Willet and Merriam introduced—

S. F. No. 793: A bill for an act relating to public waters; establishing a lake restoration and protection program; making grants-in-aid available for improving water quality in public lakes; prescribing certain powers and duties for the pollution control agency; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederick, Knutson, Moe, Mrs. Brataas and Mr. Ashbach introduced—

S. F. No. 794: A bill for an act relating to public welfare; increasing the eligibility for medical assistance; amending Minnesota Statutes 1976, Section 256B.06, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. McCutcheon, Kleinbaum, Penny, Tennesen and Borden introduced—

S. F. No. 795: A bill for an act relating to fire insurance; requiring a premium reduction or credit against premium for installation of certain smoke or fire detection devices.

Referred to the Committee on Commerce.

Mr. Laufenburger, Mrs. Brataas, Messrs. Knoll and Schmitz introduced—

S. F. No. 796: A bill for an act relating to health; prohibiting the operation of professional nursing business without a license; amending Minnesota Statutes 1976, Sections 148.281, by adding a subdivision; and 319A.02, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Stokowski, Kirchner, Schaaf and Kleinbaum introduced—

S. F. No. 797: A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Dunn, Willet, Mrs. Brataas, Messrs. Anderson and Laufenburger introduced—

S. F. No. 798: A bill for an act relating to worker's compensation; providing that persons assisting law enforcement officials may be eligible for benefits; amending Minnesota Statutes 1976, Section 176.011, Subdivision 9.

Referred to the Committee on Employment.

Messrs. Setzepfandt, Willet, Purfeerst, Renneke and Bernhagen introduced—

S. F. No. 799: A bill for an act relating to agriculture; establishing a swine disease research center; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Nichols, Luther, Mrs. Staples and Mr. Milton introduced—

S. F. No. 800: A bill for an act relating to employment fees; providing period when fees must be refunded; amending Minnesota Statutes 1976, Section 184.38, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Frederick, Merriam, Kirchner, Lewis and Schaaf introduced—

S. F. No. 801: A bill for an act relating to health care; catastrophic health expense protection; providing protection against certain nursing home expenses incurred for long term care; excluding certain dependent income from the definition of household income; amending Minnesota Statutes 1976, Section 62E.52, Subdivisions 3 and 5.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Bernhagen, Setzepfandt, Engler, Schrom and Renneke introduced—

S. F. No. 802: A bill for an act creating a commission to study moving the agriculture department to the university of Minnesota campus; appropriating money therefor.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bernhagen, Setzepfandt, Engler, Schrom and Renneke introduced—

S. F. No. 803: A bill for an act relating to energy conservation; appropriating money to the university of Minnesota for the pur-

pose of research into developing an alcohol supplement that can be blended with gasoline.

Referred to the Committee on Energy and Housing.

Messrs. Davies; Hughes; Keefe, J. and Schaaf introduced—

S. F. No. 804: A bill for an act relating to highway traffic regulations; driving under the influence of alcohol, drugs and controlled substances; chemical tests for intoxication, and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary permits under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127, by adding a subdivision; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245.

Referred to the Committee on Judiciary.

Messrs. Purfeerst, Frederick, Laufenburger, Gearty and Hanson introduced—

S. F. No. 805: A bill for an act relating to highway traffic regulations; implements of husbandry; defined; restricting the speed of certain implements of husbandry on the highways; amending Minnesota Statutes 1976, Section 169.01, Subdivision 55; and Chapter 169, by adding a section.

Referred to the Committee on Transportation.

Mr. Milton introduced—

S. F. No. 806: A bill for an act relating to health; providing for treatment of certain indigent patients in St. Paul-Ramsey hospital; appropriating money; amending Minnesota Statutes 1976, Chapter 158, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Luther, Sikorski, Kleinbaum, Solon and Johnson introduced—

S. F. No. 807: A bill for an act relating to motor vehicles; requiring manufacturers to make replacement parts available for certain motor vehicles.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Anderson, Hughes, Dunn and Stumpf introduced—

S. F. No. 808: A bill for an act relating to education; authorizing

certain teachers to take extended leaves of absence; providing for retirement benefits of teachers on leave; amending Minnesota Statutes 1974, Chapters 354, by adding a section; and 354A, by adding a section.

Referred to the Committee on Education.

Messrs. Davies, Merriam, Nichols and Frederick introduced—

S. F. No. 809: A bill for an act relating to veterans; authorizing commissioner of veterans affairs to assist in proceedings for upgrading other than honorable discharges; amending Minnesota Statutes 1976, Section 196.05.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Vega, Laufenburger, Purfeerst and Penny introduced—

S. F. No. 810: A bill for an act relating to public carriers; providing for their regulation; amending Minnesota Statutes 1976, Sections 216A.05, Subdivision 6; 218.041; 221.011, Subdivisions 17, 22 and 24; 221.021; 221.071; 221.111; 221.121, Subdivisions 1 and 2; 221.131; 221.151, Subdivisions 1 and 2; 221.181; 221.281; and Chapter 239, by adding a section.

Referred to the Committee on Transportation. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Tennessen introduced—

S. F. No. 811: A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; classifying data; prescribing penalties; amending Minnesota Statutes 1976, Sections 15.162, Subdivisions 3, 5, and 6; 15.163, Subdivision 1, and by adding subdivisions; 15.165; 15.1671; 15.17, by adding a subdivision; 138.18; 144.065; 144.346; 297A.43; 435.194; and Chapters 15, 134, 144, 273, 299C, 327 and 375, by adding sections; repealing Minnesota Statutes 1976, Sections 15.162, Subdivisions 1a, 2a, 5a, and 5b; 15.163, Subdivision 2; 15.1641; and 15.1642.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 812: A bill for an act relating to St. Louis county; revising the composition of the county welfare board; amending Laws 1907, Chapter 222, Section 1, Subdivisions 1, 2 and 3, as amended; and Minnesota Statutes 1976, Section 393.01, Subdivision 5.

Referred to the Committee on Local Government.

Mr. Chmielewski introduced—

S. F. No. 813: A bill for an act relating to the county of Carlton; authorization of certain payments to the city of Cloquet.

Referred to the Committee on Local Government.

Messrs. Ashbach and Bang introduced—

S. F. No. 814: A bill for an act relating to automobile insurance; prohibiting discrimination against the physically handicapped; amending Minnesota Statutes 1976, Section 65B.13.

Referred to the Committee on Commerce.

Mr. Spear introduced—

S. F. No. 815: A bill for an act relating to taxation; extending income adjusted homestead credit to certain residents of government property; amending Minnesota Statutes 1976, Section 290A.03, Subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Johnson and Merriam introduced—

S. F. No. 816: A bill for an act relating to taxation; exempting the department of revenue from administrative procedure act requirements; authorizing the commissioner of revenue to enter into administrative agreements with the secretary of the treasury; changing requirements for orders of the commissioner; allowing commissioner to dismiss certain confiscation procedures; providing penalties for cigarette tax violations; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 270.06; 270.10, Subdivision 1; 297.08, Subdivision 4; 297.12, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Olhoft, Johnson, Merriam and Peterson introduced—

S. F. No. 817: A bill for an act relating to taxation; providing for revocation of motor carrier licenses for failure to file road tax reports; providing credit for tax paid on gasoline or fuel used in other states; amending Minnesota Statutes 1976, Section 296.17, Subdivisions 3, 11, and 12; and Chapter 296, by adding a section; repealing Minnesota Statutes 1976, Section 296.18, Subdivision 1a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Tennesen, Spear, Mrs. Brataas, Messrs. Johnson and Ashbach introduced—

S. F. No. 818: A bill for an act relating to insurance; providing

financial requirements for nonprofit health service plan corporations; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. McCutcheon, Gearty, Frederick, Davies and Coleman introduced—

S. F. No. 819: A bill for an act relating to taxation; providing for valuation of certain buildings; providing for reimbursement of taxing districts for certain tax reductions; appropriating money; amending Minnesota Statutes 1976, Sections 273.11, Subdivision 1; 273.13, Subdivision 19; and Chapter 273, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoff, Wegener, Tennessen, Willet and Renneke introduced—

S. F. No. 820: A bill for an act relating to public land surveys; creating a state land surveys board and providing for the employment of a state land surveyor; prescribing the powers and duties of the board and the state land surveyor; authorizing the board to contract with the several counties for the preservation and re-mentation of the United States public land survey; providing for the financing thereof; authorizing the several counties to levy an ad valorem tax to pay their share of the cost; prescribing penalties; and appropriating money; amending Minnesota Statutes 1976, Section 287.21.

Referred to the Committee on Governmental Operations.

Messrs. Olhoff, Wegener, Frederick, Willet and Keefe, S. introduced—

S. F. No. 821: A bill for an act relating to worker's compensation; excluding family corporations from coverage; amending Minnesota Statutes 1976, Section 176.041, Subdivision 1.

Referred to the Committee on Employment.

Mr. Merriam introduced—

S. F. No. 822: A bill for an act relating to natural resources; amending certain laws concerning minnows; amending Minnesota Statutes 1976, Sections 97.40, Subdivision 27; 97.45, Subdivision 15; 97.55, Subdivision 13; 98.46, Subdivisions 5 and 17; and 101.42, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davies, Menning and Jensen introduced—

S. F. No. 823: A bill for an act relating to mechanics liens;

requiring notice to the owner of the real estate improved; increasing the period in which notice must be given; amending the definition of owner; enlarging the circumstances in which notice is not required to be given; extending the lien period; providing penalties; amending Minnesota Statutes 1976, Sections 514.011, Subdivisions 1, 2, 3 and 4; 514.08, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Stokowski; Schaaf; Keefe, S.; Moe and Johnson introduced—

S. F. No. 824: A resolution memorializing Congress to propose to the states a federal Constitutional Amendment for the direct popular election of the President and Vice President of the United States.

Referred to the Committee on Rules and Administration.

Messrs. Keefe S.; Spear and Stokowski introduced—

S. F. No. 825: A bill for an act relating to eminent domain; court appointed commissioners; disqualifying certain attorneys from acting as a commissioner; amending Minnesota Statutes 1976, Section 117.075.

Referred to the Committee on Judiciary.

Messrs. Ulland, J. and Solon introduced—

S. F. No. 826: A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

Referred to the Committee on Governmental Operations.

Messrs. Ulland, J. and Solon introduced—

S. F. No. 827: A bill for an act relating to the city of Duluth; authorizing the establishment and administration of a city housing finance program and expenditures for the purpose; providing for the issuance of revenue bonds.

Referred to the Committee on Local Government.

Messrs. Solon and Ulland J. introduced—

S. F. No. 828: A bill for an act relating to the city of Duluth; authorizing the city to acquire, construct, and maintain parking facilities and to finance same.

Referred to the Committee on Local Government.

Messrs. Solon and Ulland, J. introduced—

S. F. No. 829: A bill for an act relating to the city of Duluth; clarifying the obligations of the Spirit Mountain recreation area authority pertaining to unemployment compensation; amending Laws 1973, Chapter 327, as amended, by adding a section.

Referred to the Committee on Local Government.

Messrs. Solon and Ulland, J. introduced—

S. F. No. 830: A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

Referred to the Committee on Local Government.

Messrs. Solon and Ulland, J. introduced—

S. F. No. 831: A bill for an act relating to port authorities; increasing the compensation of commissioners for attending regular and special meetings; eliminating the annual limitation on such compensation; amending Minnesota Statutes 1976, Section 458.195, Subdivision 3.

Referred to the Committee on Transportation.

Messrs. Laufenburger, Frederick, Purfeerst and Kleinbaum introduced—

S. F. No. 832: A bill for an act relating to local improvements; contracts; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Section 429.041, Subdivision 6; and Chapter 429, by adding a section.

Referred to the Committee on Local Government.

Messrs. Laufenburger, Frederick, Purfeerst and Kleinbaum introduced—

S. F. No. 833: A bill for an act relating to highways; state-aid system; contracts for construction and improvement of county state-aid highways and municipal state-aid streets; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Sections 162.04 and 162.10.

Referred to the Committee on Transportation.

Messrs. Johnson, Laufenburger and Borden introduced—

S. F. No. 834: A bill for an act relating to credit unions; deposits of public funds; amending Minnesota Statutes 1976, Section 52.04.

Referred to the Committee on Commerce.

Messrs. Chenoweth, Lewis, Coleman and Ashbach introduced—

S. F. No. 835: A bill for an act relating to the organization and operation of state government; creating a human services board consisting of the heads of certain state agencies; requiring preparation of plans for the improvement of efficiency and coordination in the delivery of services relating to the employment, health, welfare and education of citizens of this state; providing for implementation of improvements; appropriating money.

Referred to the Committee on Employment. Mr Perpich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Penny, Knoll, Borden and Laufenburger introduced—

S. F. No. 836: A bill for an act relating to safe deposit companies; including credit unions among those businesses that may rent out safe deposit boxes without license or bond therefor; amending Minnesota Statutes 1976, Section 55.06, Subdivision 1.

Referred to the Committee on Commerce.

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 respectively requested:

S. F. No. 232: A bill for an act relating to unemployment compensation; redefining "base period"; redefining "wages" for contribution purposes; changing contribution rates; providing for charging of benefits; increasing weekly benefits; redefining "credit week"; providing for disqualification for benefits; providing a penalty; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 2, 25 and 29; 268.06, Subdivisions 5 and 8; 268.07, Subdivision 2; 268.08, Subdivision 1; 268.09; and 268.18, Subdivision 3.

Senate File No. 232 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1977

CONCURRENCE AND REPASSAGE

Mr. Laufenburger moved that the Senate concur in the amendments by the House to S. F. No. 232 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 232: A bill for an act relating to unemployment compensation; redefining "base period"; redefining "wages" for contribution purposes; changing contribution rates; providing for

charging of benefits; increasing weekly benefits; redefining "credit week"; providing for disqualification for benefits; providing a penalty; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 2, 25 and 29; 268.06, Subdivisions 5 and 8; 268.07, Subdivision 2; 268.08, Subdivision 1; 268.09; 268.10, Subdivision 2 and 268.18, Subdivision 3.

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

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

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Johnson, Merriam and Spear voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 140, 334 and 33.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 140: A bill for an act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 12; and 102.28, Subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 334: A bill for an act relating to highway traffic regulations; lengths of certain vehicles and combinations of

vehicles; amending Minnesota Statutes 1976, Section 169.81, Subdivision 3.

Referred to the Committee on Transportation.

H. F. No. 33: A bill for an act relating to motor vehicles; defining motorized bicycles; providing for the registration of motorized bicycles and the licensing of their operators; providing operating rules; amending Minnesota Statutes 1976, Chapter 169, by adding a section; and Sections 168.011, Subdivision 26, and by adding a subdivision; 168.013, by adding a subdivision; 168.27, Subdivision 20; 168A.01, Subdivision 24; 169.01, Subdivision 4, and by adding a subdivision; 169.305, Subdivision 1; 171.01, Subdivision 17, and by adding a subdivision; and 171.02, by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

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

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

S. F. No. 625: A bill for an act relating to employment services; authorizing the summer employment of young persons for state and local service; appropriating money.

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

Page 1, line 17, strike "is hereby authorized to" and insert "shall"

Page 2, line 12, strike "Prior to October 15,"

Page 2, strike lines 13 to 16 and insert "The department shall have emergency powers to implement rules for carrying out this act."

Page 2, lines 22 to 27, strike all of subdivision 1

Page 2, line 28, strike "Subd. 2."

Page 4, strike section 7 and insert:

"Sec. 7. [APPROPRIATIONS.] The sum of \$9,000,000 is appropriated from the general fund to the commissioner of employment services for summer youth employment as provided in sections 1 to 6, to be available until June 30, 1979. Of this amount, no less than \$5,000,000 shall be used to provide employment for youth from the ages of 18 years up to 22 years currently enrolled or intending to enroll in a post secondary educational program.

Sec. 8. This act is effective the day following final enactment."

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

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

S. F. No. 223: A bill for an act relating to deaf persons; providing that deaf persons with guide dogs have the same rights and protection as blind persons with guide dogs; defining as a deductible medical expense the cost, feeding and maintenance expenses of guide dogs; amending Minnesota Statutes 1976, Sections 256C.02; 256C.025, Subdivision 4; 256C.03; 290.09, Subdivision 10; and 327.095.

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

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

S. F. No. 108: A bill for an act relating to highway traffic regulations; specifying minimum property damage accident report requirements; amending Minnesota Statutes 1976, Section 169.09, Subdivision 7.

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

Page 1, line 13, strike "\$200" and insert "\$300"

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

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

S. F. No. 145: A bill for an act relating to transportation, particular uses of highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

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

Page 1, line 9, strike "AND" and insert a comma

Page 1, line 9, after "SHELTERS" insert ", AND TRASH RECEPTACLE UNITS"

Page 1, line 10, strike "and" and insert a comma

Page 1, line 10, after "shelters" insert ", and trash receptacle units"

Page 1, line 16, strike "and" and insert a comma

Page 1, line 16, after "shelters" insert ", and trash receptacle units"

Amend the title as follows:

Page 1, line 2, strike ", particular uses of" and insert "; permitting advertising on bus shelters and trash receptacles on"

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

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

S. F. No. 37: A bill for an act relating to state agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state.

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

Strike everything after the enacting clause and insert:

“Section 1. [15.0595] [APPOINTMENTS TO MULTI-MEMBER AGENCIES.] Subdivision 1. [DEFINITIONS.] As used in this section, “agency” means:

(a) a state board, commission, council, committee, authority, task force or other similar multi-member agency created by statute and having statewide jurisdiction; and

(b) the metropolitan council; metropolitan transit commission, metropolitan airports commission, metropolitan parks and open space commission, metropolitan waste control commission, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

“Vacancy” or “vacant agency position” means:

(a) a vacancy in an existing agency, or

(b) a new, unfilled agency position;

but shall not mean:

(a) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or

(b) a vacancy to be filled by a person required to have a specific title or position.

Subd. 2. [COLLECTION OF DATA.] The chairman of an existing agency, or the appointing authority for the members of a newly created agency, shall provide the secretary of state, on forms prepared and distributed by the secretary of state, with the following data pertaining to that agency:

(a) The name of the agency, its mailing address, and telephone number;

(b) The legal authority for the creation of the agency and the name of the person appointing agency members;

(c) The powers and duties of the agency;

(d) The number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;

(e) The dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;

(f) The compensation of members, and appropriations or other funds available to the agency;

(g) The regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;

(h) The roster of current members, including mailing addresses and telephone numbers; and

(i) A breakdown of the membership showing distribution by county and legislative district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack thereof, race and national origin of the members.

Subd. 3. [PUBLICATION OF AGENCY DATA.] The secretary of state, with the assistance of the commissioner of administration, shall provide for periodic updating of the required data and shall annually arrange for the publication in the state register of the compiled data from all agencies on or about December 1 of each year. Beginning in 1978, the compilation shall be published together with the agency descriptions required by section 15.0412, subdivision 2. Copies of the compilation shall be delivered to the governor and the legislature. Copies of the compilation shall be made available by the commissioner of administration to any interested person at cost, and copies shall be available at the office of secretary of state for viewing by interested persons and for sale. The chairman of an agency who does not submit data required by this section or section 15.0412, subdivision 2, or who does not notify the secretary of state of a vacancy in his agency, shall not be eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

Subd. 4. [NOTICE OF VACANCIES.] The chairman of an agency, in respect to vacancies in existing agencies, or the appointing authority, in respect to newly created agency positions, shall notify the secretary of state of a vacancy within 15 days after the occurrence of the vacancy. Every 15 days the secretary of state shall prepare a list of all vacancies in state agencies, together with a list of the vacancies scheduled to occur within the next 30 days as a result of the expiration of membership terms or the creation of new agency positions. This listing shall be published in the next available issue of the state register, and one copy of the listing shall be made available at the office of secretary of state to any interested person. The secretary of state shall distribute by mail copies of the listings to requesting persons. The listing for all vacancies scheduled to occur in the month of January shall be published in the state register together with the compilation of agency data required to be published pursuant to subdivision 3.

Subd. 5. [NOMINATIONS FOR VACANCIES.] Any person may nominate himself to be appointed to an agency vacancy by completing an application on a form prepared and distributed by the secretary of state. Any person or group of persons may, on a similar application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents in writ-

ing on the application form to the nomination. The application form shall specify the nominee's name, mailing address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, and any other information the nominating person feels would be helpful to the appointing authority. The application form shall permit the nominating person at his discretion to indicate the nominee's sex, political party preference or lack thereof, race and national origin. If a person submits an application at the behest of or upon the suggestion of an appointing authority, the person shall so indicate on the application form. The secretary of state shall, upon 15 days after publication of a vacancy in the state register or upon 15 days prior to a scheduled vacancy, whichever date occurs later, submit copies of all applications received for a position to the appointing authority charged with filling the vacancy. If no applications have been received by the secretary of state for the vacant position by the date he is required to submit copies to the appointing authority, he shall so inform the appointing authority. Applications received by the secretary of state shall be deemed to have expired one year after receipt of the application or upon appointment and, if required, advice and consent by the senate, to a vacancy, whichever occurs first. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application.

Subd. 6. [APPOINTMENTS.] In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary of state. No appointing authority may appoint someone to a vacant agency position until (1) 15 days after receipt of the applications for positions in that agency from the secretary of state or (2) receipt of notice from the secretary of state that no applications have been received for vacant positions in that agency. The appointing authority shall inform the secretary of state of the name of the person appointed to fill the agency vacancy within 15 days after the date of appointment. If the appointing authority nominates a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary of state. If the appointment requires the advice and consent of the senate, the secretary of state shall, prior to consideration by the senate of the appointment, supply the president of the senate with a copy of the application, together with a copy of any documents which the appointee is required by virtue of his appointment to submit to the ethical practices board.

Subd. 7. [REPORT.] Together with the compilation required in subdivision 3, the secretary of state shall annually deliver to the governor and the legislature a report containing the following information:

- (a) Vacancies occurring in the preceding year;
- (b) The number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;

(c) Breakdowns by county, legislative district and, if known, the sex, political party preference or lack thereof; race and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and

(d) The number of vacancies filled from applications submitted by (1) the appointing authorities for the positions filled, (2) nominating persons and self-nominees who submitted applications at the behest of or upon the suggestion of appointing authorities, and (3) all others.

Sec. 2. [APPROPRIATION.] There is appropriated from the general fund to the secretary of state the sum of \$..... for the period July 1, 1977 to June 30, 1979 for the purpose of administering this act.

Sec. 3. [EFFECTIVE DATE.] Section 1, subdivisions 1 to 3, of this act are effective July 1, 1977, and the remainder of the act is effective in respect to all agency vacancies occurring after September 1, 1977."

Further, amend the title by striking it in its entirety and insert:

"A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state; providing for publication of agency vacancies; appropriating money."

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

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

S. F. No. 245: A bill for an act relating to taxation; providing a tax credit for political contributions for a candidate for any public office; amending Minnesota Statutes 1976, Section 290.06, Subdivision 11.

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

Page 1, lines 21 and 22, restore the stricken language

Page 2, line 1, restore the stricken "section" and after the stricken "5" insert "210A.01" and restore the stricken period

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

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

S. F. No. 49: A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivision 1; repealing Minnesota Statutes 1976, Section 334.011, Subdivision 4.

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

Page 1, line 23, after the period insert:

"For the purposes of this subdivision, the term "business" means a commercial or industrial enterprise which is carried on for the purpose of active or passive investment or profit, but does not include ownership or maintenance of real estate occupied by an individual obligor solely as his residence.

For the purposes of this subdivision, the term "agricultural" means the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products, including horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any parts thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof."

Page 2, strike all of Section 2 and insert:

"Sec. 2. Minnesota Statutes 1976, Section 334.011, Subdivision 4, is amended to read:

Subd. 4. This section is effective the day following final enactment and shall expire July 1, 1977. A loan made on or before July 1, 1977, at a rate of interest not in excess of the rate authorized by this section at the time the loan is made, shall continue to be enforceable in accordance with its terms until the indebtedness is fully satisfied."

Further amend the title as follows:

Page 1, line 4, after "334.011," strike "Subdivision" and insert "Subdivisions"

Page 1, line 4, strike "; repealing" and insert "and 4."

Page 1, strike lines 5 and 6

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was re-referred

S. F. No. 168: A bill for an act relating to Yellow Medicine county; authorizing participation in a mental health services program outside its region.

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

Page 1, line 8, strike "or"

Page 1, line 9, before "Yellow" insert "or 245.63,"

Page 1, line 9, after "may" insert "continue to"

Page 1, line 10, after "Marshall" insert "and continue to be eligible for assistance pursuant to section 245.63"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

H. F. No. 464: A bill for an act relating to licensed occupations; providing for reciprocity in licensing for plumbers licensed in other states; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 553: A bill for an act relating to the aging; appropriating money for the retired senior volunteer program.

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 476: A bill for an act relating to public welfare; exempting licensed hospitals from day care licensing requirements; amending Minnesota Statutes 1976, Section 245.791.

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

Page 1, line 21, strike "private" and insert "*licensed*"

Page 1, line 22, strike "and is"

Page 2, strike lines 1 to 4, except the period

Page 3, strike lines 7 to 8 and insert a new section to read:

"Sec. 2. *This act is effective the day following final enactment.*"

Further amend the title as follows:

Page 1, line 3, strike "day care"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 493: A bill for an act relating to medical assistance; authorizing interest reimbursement to nonproprietary nursing homes; amending Minnesota Statutes 1976, Section 256B.44, Subdivision 2.

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

Page 1, line 15, reinstate "net asset"

Page 1, line 15, strike "*original*"

Page 1, line 15, strike "*for*"

Page 1, line 16, strike "*depreciation purposes*"

Page 1, line 17, strike "*prohibit*" and insert "*apply to*"

Page 1, line 18, after "1976" insert " , *if the interest is otherwise allowable*"

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

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

S. F. No. 213: A bill for an act relating to the city of Minneapolis; relating to elections; allowing regulation of campaign financing solely by local ordinance which contains at least the requirements of Minnesota Statutes, Chapter 10A; providing penalties.

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

Page 1, line 17, strike "or" and insert "and"

Page 1, line 18, after "10A" strike the remainder of the line

Page 1, line 19, strike "adopted by the council" and insert "as of February 1 of the year following the year when the amendments were enacted"

Page 2, line 5, after the period insert:

"A violation of the ordinance shall be referred to the county attorney in the same manner as a violation of Chapter 210A. The county attorney shall inquire into any violation as provided in Minnesota Statutes, Section 210A.37."

Amend the title as follows:

Page 1, line 6, after the semicolon, insert: "providing for referral of violations to the county attorney;"

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

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

S. F. No. 226: A bill for an act relating to minimum wage; providing a higher minimum wage; lowering the credit for tips; amending Minnesota Statutes 1976, Sections 177.24; and 177.28, Subdivision 4.

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

Pages 1 to 2, strike section 2

Page 2, lines 9 and 10, strike "*June 1, 1977*" and insert "*January 1, 1978*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, strike "lowering the credit for tips;"

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

Page 1, line 4, strike the semicolon and insert a period

Page 1, strike line 5

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 124: A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; appropriating money.

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

Page 1, line 14, strike "in the home"

Page 2, line 12, strike "rural area of the state" and insert "location accessible to a predominately rural population"

Page 2, after line 24, insert:

"(d) evidence of the participation of the local law enforcement agencies and courts, county welfare agencies, local boards or departments of health, and other interested agencies or groups in the development of the application;"

Page 2, line 26, strike "(d)" and insert "(e)"

Page 2, line 32, strike "In developing an"

Page 3, strike lines 1 through 5

Page 3, line 10, after "public" insert "and professional"

Page 4, line 6, after "7" and before the semicolon insert ", including emergency rules"

Page 4, line 11, strike "30" and insert "60"

Page 4, line 18, strike "At least"

Page 4, line 20, strike "At"

Page 4, line 21, strike "least three" and insert "Eight"

Page 4, line 23, strike "at least"

Page 4, line 26, strike "three" and insert "five"

Page 4, line 27, after "coordinator" and before the semicolon insert ". In the event that the director refuses to appoint any person from the list of names submitted, the advisory task force shall submit five additional names"

Page 5, line 18, strike "in the home"

Page 5, line 23, strike "HOSPITALS; LAW ENFORCEMENT AGENCIES" and insert "MANDATORY DATA COLLECTION"

Page 5, line 25, after "144.58" insert ", every physician licensed to practice in this state, every public health nurse,"

Page 5, line 32, strike "this" and insert "sections 1 to 6"

Page 6, line 1, strike "act"

Page 6, line 6, strike "This act shall be" and insert "Sections 1 to 6 are effective the day following final enactment. Section 7 is"

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

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

S. F. No. 109: A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 144.-02; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

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

Page 2, line 7, strike "and" and insert a comma

Page 2, line 7, after "affairs" insert "*and vocational rehabilitation*"

Page 2, line 11, strike the second "and"

Page 2, line 12, after "services" insert "; *and their successor departments and agencies*"

Page 2, line 30, after "of the" insert "*office of*"

Page 2, line 30, after "governor." insert "*If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner vacates his office.*"

Page 3, lines 9 and 13, strike "*temporary*" and insert "*acting*"

Page 3, line 18, strike "or temporary"

Page 3, line 20, strike "a temporary" and insert "an acting"

Page 3, line 22, after "state" insert "and published in the next available edition of the state register"

Page 5, strike lines 22 to 27 and insert:

"Subd. 8. [PRIVATE EMPLOYMENT.] No former commissioner or deputy commissioner may, within one year after leaving the position of commissioner or deputy commissioner in an agency, appear in proceedings of that agency representing the interests of private persons."

Page 16, lines 7 to 8, restore the stricken language

Page 16, after line 16, insert:

"Sec. 19. Minnesota Statutes 1976, Section 129A.02, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER.] The commissioner is the chief executive officer of the department and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation. The commissioner shall be appointed by the governor ~~with the advice and consent of the senate for a four year term which will coincide with the term of the governor and until his successor is appointed and qualifies.~~ The commissioner may be removed by the governor ~~for cause after notice and hearing.~~ In case of vacancy, the governor shall appoint a commissioner who shall immediately take office and shall carry on all duties of the office until the next session of the legislature when his appointment shall be submitted to the senate for approval and serve under the provisions of section 1. The commissioner shall be a person having substantial experience in the administration and financing of vocational rehabilitation programs."

Page 32, lines 16 and 19, strike "1980" and insert "1979"

Page 33, line 3, after "limitations." insert "Persons who are deputy commissioners and are in the classified service in departments or agencies affected by this act shall be entitled to the benefits and protections available to persons whose positions are declassified pursuant to section 43.09, subdivision 2a."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "commissioners;" insert "limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies;"

Page 1, line 19, after "Subdivision 1;" and before "144.02;" insert "129A.02, Subdivision 2;"

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 291, 147, 380, 78, 74, 86, 189, 271, 333, 114, 22, 102 and 26, makes the following report:

That S. F. Nos. 291, 147, 380, 78, 74, 86, 189, 271, 333, 114, 22 and 26 be placed on the General Orders Calendar.

That S. F. No. 102 was laid over pending further action.

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

Mr. Coleman from the Committee on Rules and Administration makes the following report:

That the permanent rules of the Senate appearing in the Journal for the 21st day be amended as follows:

Rule 62, "Researcher" classification, under "salary per day" delete "1 @ \$34.25" and insert "1 @ \$31.51"

Rule 62, "Committee Clerk" classification, under "salary per day" strike "10" before "\$26.82" and insert "11"; strike "6" before "\$28.42" and insert "5". Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 223, 108, 145, 49, 168, 476, 213, 226 and 109 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. 464 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Sikorski moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 36. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Dunn be added as co-author to S. F. No. 628. The motion prevailed.

Mr. McCutcheon moved that the name of Mr. Sikorski be added as co-author to S. F. No. 705. The motion prevailed.

Mr. Menning moved that the name of Mr. Peterson be added as co-author to S. F. No. 770. The motion prevailed.

Mr. Gunderson moved that his name be stricken as co-author to S. F. No. 156. The motion prevailed.

Mr. Davies moved that the name of Mr. Lessard be added as co-author to S. F. No. 105. The motion prevailed.

Mr. Sieloff moved that the name of Mr. Dunn be added as co-author to S. F. No. 325. The motion prevailed.

Mr. Moe moved that S. F. No. 333, now on General Orders, be re-referred to the Committee on Rules and Administration for comparison with H. F. No. 383 now in Rules and Administration. The motion prevailed.

Mr. Coleman moved that the Permanent Rules of the Senate be amended pursuant to the Committee Report adopted by the Senate March 17, 1977.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the rules were amended.

Mr. Coleman introduced—

Senate Concurrent Resolution No. 7: A senate concurrent resolution relating to joint rules; providing for joint rules for the Legislature of the State of Minnesota.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

The permanent joint rules of the Senate and the House of Representatives for the 70th session of the Legislature are adopted to read:

**JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES
ARTICLE I: JOINT CONVENTIONS
HOW GOVERNED**

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, sub-

ject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote *viva voce* and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS FORM OF BILLS

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

“Minnesota Statutes, Section”

Bills shall refer to the session laws as follows:

“Laws, Chapter, Section”

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended at a later session, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to

this rule. Printed bills shall be in the same form. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, Section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

At least twenty calendar days prior to the adjournment of the Legislature, the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, eight separate appropriation bills as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government for the succeeding two fiscal years including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare, health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational for the two succeeding fiscal years;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for semi-state activities;

(f) A bill covering all appropriations for construction and major rehabilitation of public buildings to be financed by issuance of bonds;

(g) A bill covering all appropriations for maintenance, repair, and minor rehabilitation and construction of public buildings; and

(h) A bill covering appropriations for the department of transportation.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. In 1977, committee reports on bills favorably acted upon by a committee in the house of origin after Friday, April 22 and committee reports on bills originating in the other house favorably acted upon by a committee after Friday, May 6 shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after April 22 and by May 6 acts on a bill that is a companion to a bill that has met the April 22 deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by Thursday, May 19, 1977.

After Friday, May 20 in the first year of the biennium, neither house shall act on bills other than those contained in:

- (a) reports of conference committees;
- (b) messages from the other house; or
- (c) messages from the governor.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05. Prior to a conference committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter

is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a conference committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

At an agreed upon hour the conference committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement. Within seven calendar days after the appointment of a conference committee, and every seven calendar days thereafter until such time as the conference committee is discharged, the conference committee shall report its progress to each house. If an agreement is reported, the house of origin shall act first upon the report. If the report is adopted and re-passed as amended by the conference committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

All Conference Committees shall be open to the public. Meetings of Conference Committees shall be announced as far in advance as practical.

Except on the last two days on which a bill may be passed in any year, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both

houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8½" X 13" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

ARTICLE III: GENERAL PROVISIONS SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) any bill being considered by a conference committee shall be returned to the house of origin, laid on the table, and the conference committee shall be discharged;

(b) any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8½" X 11" in size, punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

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

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

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

Mary Russell transferred from Sergeant classification to Clerk Typist I classification.

Mary Jo Pohl transferred from Page classification to Committee Clerk classification.

Kathleen Murphy transferred from Committee Clerk classification to Researcher classification.

Rev. Joan Johnson, Chaplain, effective March 14, 1977.

Colleen Barry transferred from Page classification to Committee Clerk, effective March 19, 1977.

Joan Maze, Stenographer I, effective March 9, 1977.

Jan Lamoureux, Stenographer I, effective March 16, 1977.

Monsignor Ambrose Hayden, Chaplain, effective March 24, 1977.

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

THIRD READING OF SENATE BILLS

S. F. No. 321: A bill for an act relating to health; permitting certain nursing homes to require and accept certain payments from residents; amending Minnesota Statutes 1976, Section 256B.48, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 250: A bill for an act relating to the Gillette hospital board; board membership; amending Minnesota Statutes 1976, Section 250.05, 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	Engler	Knutson	Olson	Sillers
Ashbach	Gearty	Laufenburger	Penny	Solon
Bang	Gunderson	Lessard	Perpich	Spear
Benedict	Hanson	Lewis	Peterson	Staples
Bernhagen	Hughes	Luther	Pillsbury	Stokowski
Borden	Humphrey	McCutcheon	Purfeerst	Strand
Brataas	Jensen	Menning	Renneke	Ueland, A.
Chenoweth	Johnson	Merriam	Schaaf	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schmitz	Vega
Coleman	Keefe, S.	Nelson	Schrom	Wegener
Davies	Kirchner	Nichols	Setzepfandt	Willet
Dieterich	Kleinbaum	Ogdahl	Sieloff	
Dunn	Knoll	Olhoft	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 332: A bill for an act relating to taxation; exempting certain square dance admissions from sales taxation; amending Minnesota Statutes 1976, Section 297A.25, 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 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Sieloff voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 170: A bill for an act relating to political subdivisions; regulating certain interests in contracts by public officials; amending Minnesota Statutes 1976, Section 471.88, Subdivisions 2, 5, and 8.

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 11, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lewis	Peterson	Staples
Bang	Hanson	McCutcheon	Pillsbury	Stokowski
Bernhagen	Hughes	Menning	Purfeerst	Strand
Brataas	Jensen	Moe	Renneke	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Schmitz	Vega
Coleman	Kirchner	Nichols	Schrom	Wegener
Davies	Kleinbaum	Ogdahl	Setzepfandt	Willet
Dunn	Knoll	Olhoft	Sieloff	
Engler	Knutson	Olson	Sikorski	
Frederick	Laufenburger	Penny	Sillers	
Gearty	Lessard	Perpich	Solon	

Those who voted in the negative were:

Ashbach	Chenoweth	Johnson	Luther	Spear
Benedict	Dieterich	Keefe, S.	Merriam	Ulland, J.
Borden				

So the bill passed and its title was agreed to.

S. F. No. 107: A bill for an act relating to children; enacting the uniform child custody jurisdiction act; amending Minnesota Statutes 1976, Chapter 518, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 296: A bill for an act relating to medical assistance for needy persons; providing for limits on types, costs and frequency of medical services; amending Minnesota Statutes 1976, Section 256B.04, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 72: A bill for an act relating to natural resources; authorizing the conveyance by the state of certain lands known as Battle Point to Todd county; amending Minnesota Statutes 1976, Section 84.163.

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 year 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Schrom voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 377: A bill for an act relating to credit union mergers; clarifying membership for merged credit unions; amending Minnesota Statutes 1976, Section 52.203.

With the unanimous consent of the Senate, Mr. Laufenburger moved to amend S. F. No. 377 as follows:

Page 2, line 19, strike "*and eligible members*"

Page 2, line 19, after "of" insert "*and persons eligible for membership in*"

The motion prevailed. So the amendment was adopted.

S. F. No. 377 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

GENERAL ORDERS

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

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

S. F. No. 267 which the committee recommends to pass.

H. F. No. 38, which the committee recommends to pass with the following amendment offered by Mr. Sikorski:

Page 1, line 11, strike "*this act*" and insert "*sections 1 to 7*"

Page 2, lines 22 to 23, strike "*of this act*"

Page 3, line 12, strike "*of this act*"

Page 3, lines 15 and 16, strike "*this act*" and insert "*sections 1 to 7*"

Page 4, lines 24 and 26, strike "*this act*" and insert "*sections 1 to 7*"

Page 4, line 30, strike "*this*" and insert "*section 2*"

Page 4, line 31, strike "*act*"

Page 5, lines 7, 11, and 24, strike "*of this act*"

Page 5, after line 11, insert:

"Subd. 3. If a major construction defect is discovered prior to the sale of a dwelling, the statutory warranty set forth in section 2, subdivision 1, clause (c) may be waived, after full oral disclosure of the specific defect, by an instrument handwritten by the vendee which sets forth in detail the specific defect, the difference between the value of the dwelling without the defect and the value of the dwelling with the defect, the price reduction, the consent of the vendee to the waiver, and the signatures of the vendee, the vendor, and two witnesses.

A single waiver agreed to pursuant to this subdivision may not apply to more than one major construction defect in a dwelling."

Page 5, lines 13 and 22, strike "*this act*" and insert "*section 2*"

Page 5, line 26, strike the second "*of*"

Page 5, line 27, strike "*this act*"

Page 6, lines 2 and 7, strike "*of this act*"

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Monday, March 21, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FIFTH DAY

St. Paul, Minnesota, Monday, March 21, 1977

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Edward J. Flahavan.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Borden, Hughes, Merriam, Olson, Schaaf and Sillers were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 18, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 232.

Sincerely,
Rudy Perpich, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Moe introduced—

S. F. No. 837: A bill for an act relating to appropriations; converting certain open appropriations of dedicated receipts to direct appropriations; abolishing other open appropriations of dedicated receipts; abolishing certain dedicated funds and accounts; appropriating money; amending Minnesota Statutes 1976, Sections 15.05; 15.052, Subdivision 7; 15A.083, Subdivision 1; 16.72, Subdivision 1; 16A.125, Subdivision 5; 18.411; 18.67; 34.07; 43.31; 69.031, Subdivision 3; 69.55; 84.153; 84.154, Subdivision 5; 84.155, Subdivision 6; 84.86, Subdivision 1; 86.42, Subdivision 1; 89.035; 89.036; 89.21; 93.283, Subdivision 7; 93.335, Subdivision 4; 94.48; 97.49, Subdivision 7; 115.03, Subdivision 1; 116.41, Subdivision 2; 136A.29, Subdivision 22; 136A.30; 144.175, Subdivision 4; 160.285, Subdivision 3; 163.051, Subdivision 2; 168.16; 168.54, Subdivision 5; 168A.31, Subdivision 1; 186.04; 192.68, Subdivision 2; 192A.645; 197.02; 197.03; 197.05; 197.06; 246.41, Subdivision 2; 270.077; 299F.21; and 344.03, Subdivision 2; repealing Minnesota Statutes 1976, Sections 1.38; 16A.125, Subdivision 6; 21.114; 33.10; 33.11; 33.12 to 33.15; 33.171; 86.42, Subdivision 2; 94.49; 161.231; 168.54, Subdivisions 2, 3 and 6; 168A.31, Subdivision 2; 190.28; 197.04; 197.07; 241.25; 246.41, Subdivisions 1 and 3; 360.389; 424.165; 458.50 to 458.60; 626.85, Subdivision 2; and Laws 1961, Chapter 472, Section 4, as added.

Referred to the Committee on Finance.

Mr. Moe introduced—

S. F. No. 838: A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1976, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; 638.08; and Laws 1971, Chapter 121, Section 2, as amended; repealing Minnesota Statutes 1976, Sections 7.07; and 144.146, Subdivision 2.

Referred to the Committee on Finance.

Mr. Moe introduced—

S. F. No. 839: A bill for an act relating to appropriations; converting certain open appropriations for retirement to direct appropriations; abolishing other open appropriations for retirement; appropriating money; amending Minnesota Statutes 1976, Sections 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; 136.81, Subdivision 1; 352.04, Subdivision 5; 352B.25; 352C.03, Subdivision 2; 352C.04, Subdivision 3; 352C.09, Subdivision 2; 353.83;

354.55, Subdivision 5; 354A.12; 355.46, Subdivision 3; 355.50; 490.123, Subdivision 1; Chapter 16A, by adding a section; repealing Minnesota Statutes 1976, Sections 3A.11, Subdivision 3; 352.73, Subdivision 4; 354.43, Subdivision 2; and 490.025, Subdivision 8.

Referred to the Committee on Finance.

Mr. Moe introduced—

S. F. No. 840: A bill for an act relating to appropriations; abolishing open appropriations for various purposes; providing direct appropriations for debt service and for other purposes previously supported by open appropriations; amending Minnesota Statutes 1976, Sections 16.023; 16A.27; 43.12, Subdivision 11; 84B.07; 136A.08, Subdivisions 1 and 2; 176.183, Subdivision 2; 192.52; 268.06, Subdivision 25; 299D.03, Subdivision 1; 351.11; 352E.02; 481.15, Subdivision 2; and Laws 1973, Chapter 567, Section 7; repealing Minnesota Statutes 1976, Sections 124.23; 136.508; 261.233; 352E.05; 355.31 to 355.39.

Referred to the Committee on Finance.

Messrs. Jensen, Peterson, Knutson, Davies and Keefe, J. introduced—

S. F. No. 841: A bill for an act relating to courts; increasing mileage allowance for district court judges; amending Minnesota Statutes 1976, Section 484.62.

Referred to the Committee on Governmental Operations.

Messrs. Luther, Sikorski, Hanson and Nichols introduced—

S. F. No. 842: A bill for an act relating to crimes; increasing the penal fine of misdemeanors and petty misdemeanors; authorizing local political subdivisions to prescribe increased penal fines for violation of ordinances, charter provisions, and rules or regulations; amending Minnesota Statutes 1976, Sections 169.89, Subdivision 2; 412.231; 609.02, Subdivisions 3 and 4a; 609.03; 609.031; 609.032; and Chapter 609, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Solon, Gearty, Tennessen, McCutcheon and Ashbach introduced—

S. F. No. 843: A bill for an act relating to intoxicating liquor; authorizing issuance of additional on-sale licenses in cities of the first class to bona fide clubs and veterans' organizations; amending Minnesota Statutes 1976, Section 340.11, Subdivision 11.

Referred to the Committee on Commerce.

Messrs. Kleinbaum, Bang, Schrom and Wegener introduced—

S. F. No. 844: A bill for an act relating to taxation; providing for taxation of certain camps; exempting medical rehabilitation and therapeutic camps.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson; Ulland, J. and Solon introduced—

S. F. No. 845: A bill for an act relating to St. Louis county Independent School District No. 710; providing for separate election districts.

Referred to the Committee on Elections.

Messrs. Ueland, A. and Renneke introduced—

S. F. No. 846: A bill for an act relating to Blue Earth county; authorizing the issuance and sale of general obligation bonds for the purpose of renovating and remodeling certain buildings.

Referred to the Committee on Local Government.

Messrs. Chenoweth, Coleman, Sikorski and Nichols introduced—

S. F. No. 847: A bill for an act relating to statutory publications; providing for the distribution of Minnesota Statutes and session laws; amending Minnesota Statutes 1976, Section 648.39, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Luther, Knoll, Spear and Keefe, S. introduced—

S. F. No. 848: A bill for an act relating to landlords and tenants; providing remedies for tenants whose landlords have breached provisions of agreements; defining terms; providing for adjustment of rent.

Referred to the Committee on Judiciary.

Messrs. Solon; Ulland, J. and Johnson introduced—

S. F. No. 849: A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in St. Louis county.

Referred to the Committee on Local Government.

Messrs. Solon; Ulland, J.; Johnson and Perpich introduced—

S. F. No. 850: A bill for an act relating to courts; sixth judicial district; authorizing the position of domestic relations referee in St. Louis county; amending Minnesota Statutes 1976, Chapter 484, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Solon, Johnson and Perpich introduced—

S. F. No. 851: A bill for an act relating to St. Louis county; fees for tax search certificate; amending Laws 1955, Chapter 633, Section 1, Subdivision 2.

Referred to the Committee on Local Government.

Mr. Perpich introduced—

S. F. No. 852: A bill for an act relating to retirement; police and firemen's relief associations of the city of Chisholm.

Referred to the Committee on Governmental Operations.

Messrs. Ulland, J. and Solon introduced—

S. F. No. 853: A bill for an act relating to the city of Duluth; requiring automatic sprinkling systems in residences for the elderly.

Referred to the Committee on Local Government. Mr. Wegener questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Solon and Ulland, J. introduced—

S. F. No. 854: A bill for an act relating to the city of Duluth; firemen's survivor benefits; amending Laws 1975, Chapter 127, Section 2, as amended.

Referred to the Committee on Governmental Operations.

Messrs. Johnson and Solon introduced—

S. F. No. 855: A bill for an act relating to St. Louis county; automobile expenses of county commissioners; amending Laws 1959, Chapter 301, Section 1.

Referred to the Committee on Local Government.

Mr. Peterson, Mrs. Staples, Messrs. Solon, Knutson and Hanson introduced—

S. F. No. 856: A bill for an act relating to administrative procedure; requiring state agencies to estimate the economic impact of proposed rules upon agencies and persons affected thereby; providing for the preparation of economic impact statements under certain circumstances; amending Minnesota Statutes 1976, Sections 15.0411, by adding subdivisions; 15.0412, Subdivision 4, and by adding subdivisions.

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

Messrs. Spear, Coleman, Schaaf and Mrs. Staples introduced—

S. F. No. 857: A bill for an act relating to crimes; increasing penalties for certain acts related to prostitution; prohibiting solicitation on public streets; amending Minnesota Statutes 1976, Section 609.32; repealing Minnesota Statutes 1976, Sections 609.293; 609.34; 609.36 and 609.725.

Referred to the Committee on Judiciary.

Messrs. Nichols, Schmitz, Johnson, Gunderson and Penny introduced—

S. F. No. 858: A bill for an act relating to cosmetology; providing for a change in the compensation for certain board members; amending Minnesota Statutes 1976, Section 155.08.

Referred to the Committee on Governmental Operations.

Messrs. Solon; Vega; Keefe, J. and Lewis introduced—

S. F. No. 859: A bill for an act relating to health; health maintenance organizations; requiring health maintenance organizations to permit optometrists to provide services to enrollees; amending Minnesota Statutes 1976, Section 62D.12, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Ulland, J. and Solon introduced—

S. F. No. 860: A bill for an act relating to courts; county court districts; judges; prescribing the areas where the county court judges of St. Louis county shall reside, serve in, and be elected from; amending Minnesota Statutes 1976, Section 487.01, Subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Kirchner; Knutson; Mrs. Staples and Mr. Penny introduced—

S. F. No. 861: A bill for an act relating to public welfare; providing for allocation of fees collected by community mental health programs.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Hughes, Dunn, Nichols, Humphrey and Anderson introduced—

S. F. No. 862: A bill for an act relating to education; encouraging school boards to issue competency certificates to certain students; removing the age limitations on the taking of G.E.D. tests by secondary school students and allowing the charging of fees therefor.

Referred to the Committee on Education.

Messrs. Hughes and Sikorski introduced—

S. F. No. 863: A bill for an act relating to taxation; authorizing retroactive payments for certain claimants of income adjusted homestead credit; amending Laws 1976, Chapter 334, Section 21.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam; Schaaf; Keefe, J. and Anderson introduced—

S. F. No. 864: A bill for an act relating to health; vital statistics; permitting access to vital statistical records by certain qualified persons; amending Minnesota Statutes 1976, Section 144.175, Subdivision 4.

Referred to the Committee on Judiciary.

Messrs. Schaaf and Benedict introduced—

S. F. No. 865: A bill for an act relating to taxation; imposing a tax on liquor sold for resale by the drink; providing for the distribution of the proceeds to local units of government to meet the costs of enforcement of laws relating to driving offenses involving alcohol or drugs; requiring payment of certain costs by persons receiving treatment, care or rehabilitation for alcoholism; providing penalties; appropriating funds; amending Minnesota Statutes 1976, Chapters 169 and 340, by adding sections.

Referred to the Committee on Judiciary.

Messrs. Merriam, Schaaf and Chenoweth introduced—

S. F. No. 866: A bill for an act relating to metropolitan government; watershed districts; requiring review of certain watershed district plans by the metropolitan council; amending Minnesota Statutes 1976, Section 473.852, Subdivisions 3 and 7; and Chapter 473, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Knoll, Sikorski, Willet, Ogdahl and Humphrey introduced—

S. F. No. 867: A bill for an act relating to the state housing finance agency; setting the amount of bonds and notes that may be outstanding; clarifying eligibility; providing for fund administration and repayment requirements; appropriating money; amending Minnesota Statutes 1976, Sections 462A.03, Subdivision 7; 462A.21, Subdivisions 4b and 5; and 462A.22, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Schmitz, Engler, Renneke and Purfeerst introduced—

S. F. No. 868: A bill for an act relating to hazardous wastes; prohibiting their transportation into this state for disposal; pre-

scribing penalties; amending Minnesota Statutes 1976, Section 116.081, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dunn, Bernhagen, Anderson, Setzepfandt and Chmielewski introduced—

S. F. No. 869: A bill for an act relating to regional development commissions; their membership and officers; removing public interest members; providing for selection of the chairman and board of directors from among commission membership; removing obsolete provisions; amending Minnesota Statutes 1976, Section 462.388, Subdivisions 1 and 5; repealing Minnesota Statutes 1976, Section 462.388, Subdivision 4.

Referred to the Committee on Local Government.

Messrs. Dunn, Anderson, Chmielewski and Wegener introduced—

S. F. No. 870: A bill for an act relating to education; community colleges; appropriating money to build a community college at Cambridge; amending Laws 1973, Chapter 777, Section 13, Subdivision 2.

Referred to the Committee on Education.

Messrs. Luther, Vega, Benedict, Spear and Laufenburger introduced—

S. F. No. 871: A bill for an act relating to labor; prohibiting the use of certain detection devices; providing a penalty.

Referred to the Committee on Employment.

Messrs. Perpich, Coleman, Moe, Kirchner and Lewis introduced—

S. F. No. 872: A bill for an act relating to state government; transferring certain functions of the department of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 246.02, Subdivision 2; 253.015; and 254.05.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olhoft; Keefe, S.; Solon; Benedict and Bernhagen introduced—

S. F. No. 873: A bill for an act relating to compensation insurance; prohibiting rate variations by size of payroll within a risk classification; authorizing a minimum premium; amending Minnesota Statutes 1976, Section 79.20.

Referred to the Committee on Commerce.

Messrs. Johnson, Benedict, Nelson, McCutcheon and Menning introduced—

S. F. No. 874: A bill for an act relating to taxation; providing a tax credit for aged and disabled persons paying residential heating charges; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Staples, Messrs. Humphrey, Benedict, Spear and Pillsbury introduced—

S. F. No. 875: A bill for an act relating to the county of Hennepin; duties of personnel board; providing for referral of eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

Referred to the Committee on Local Government.

Mrs. Staples, Messrs. Humphrey, Benedict, Sikorski and Lewis introduced—

S. F. No. 876: A bill for an act relating to the juvenile court; authorizing the court to direct public agencies to offer appropriate human services under certain circumstances to members of a delinquent child's family; amending Minnesota Statutes 1976, Section 260.185, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Purfeerst, Sillers, Olson and Peterson introduced—

S. F. No. 877: A bill for an act relating to workers' compensation; excluding family farm corporations; amending Minnesota Statutes 1976, Section 176.041, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Laufenburger, Kirchner, Purfeerst, Stokowski and Kleinbaum introduced—

S. F. No. 878: A bill for an act relating to retirement; hospital and medical benefits for retired or disabled state officials and employees; appropriating funds; amending Minnesota Statutes 1976, Chapter 43, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Kleinbaum, Olson, Dunn and Wegener introduced—

S. F. No. 879: A bill for an act relating to taxation; increasing

inheritance tax exemption for adult children, brothers and sisters and certain other heirs of deceased; amending Minnesota Statutes 1976, Section 291.05.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Engler, Vega, Purfeerst, Schmitz and Wegener introduced—

S. F. No. 880: A bill for an act relating to towns; granting certain towns the powers of statutory cities.

Referred to the Committee on Local Government.

Messrs. Benedict, Bang and Kirchner introduced—

S. F. No. 881: A bill for an act relating to elections; permitting electronic voting systems for absentee voters; amending Minnesota Statutes 1976, Section 206.07, by adding a subdivision.

Referred to the Committee on Elections.

Messrs. Benedict, Bang and Kirchner introduced—

S. F. No. 882: A bill for an act relating to elections; providing for the tabulation and announcement of votes cast on electronic voting systems; amending Minnesota Statutes 1976, Section 206.185, Subdivision 5, and by adding a subdivision.

Referred to the Committee on Elections.

Messrs. Milton, Kirchner, Lewis, Perpich and Coleman introduced—

S. F. No. 883: A bill for an act relating to public welfare; appropriating money for the Vinland National Center.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Kirchner introduced—

S. F. No. 884: A bill for an act relating to motor vehicles; requiring that certain optional insurance coverage be offered motorcycle owners; defining motorized bicycles; providing for the registration of motorized bicycles and the licensing of their operators; providing operating rules; amending Minnesota Statutes 1976, Sections 65B.48, Subdivision 5; 65B.49, by adding a subdivision; 168.011, Subdivision 26, and by adding a subdivision; 168.013, by adding a subdivision; 169.01, Subdivision 4, and by adding a subdivision; 169.221, Subdivisions 1 and 4, and by adding a subdivision; 169.305, Subdivision 1; and 169.974, Subdivision 4.

Referred to the Committee on Transportation.

Messrs. Chenoweth, McCutcheon, Hughes, Coleman and Sieloff introduced—

S. F. No. 885: A bill for an act relating to Ramsey county; providing state assistance for the retention and treatment of storm-water flowing into Lake Phalen; appropriating money.

Referred to the Committee on Local Government.

Messrs. Dunn, Frederick, Engler, Renneke and Keefe, J. introduced—

S. F. No. 886: A bill for an act relating to meetings of official bodies; extending the open meeting law to the legislature; amending Minnesota Statutes 1976, Section 471.705, Subdivision 1.

Referred to the Committee on Rules and Administration.

Messrs. Nichols, Strand, Setzepfandt, Hanson and Menning introduced—

S. F. No. 887: A bill for an act relating to public water and sewer improvements; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing an accounting system; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2, 4, and by adding a subdivision; 116A.02, by adding a subdivision; 116A.09; 116A.11, Subdivision 4; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; 116A.24, Subdivisions 2 and 3, and by adding a subdivision; and Chapter 116A, by adding a section.

Referred to the Committee on Local Government.

Mr. Pillsbury introduced—

S. F. No. 888: A bill for an act relating to the city of Excelsior; proportionate service pensions and financing requirements of the firemen's relief association.

Referred to the Committee on Governmental Operations.

Messrs. Humphrey, Solon and Ashbach introduced—

S. F. No. 889: A bill for an act appropriating money for public radio purposes; providing grants for public radio stations serving Minnesota; providing for supervision of grant expenditures.

Referred to the Committee on Governmental Operations.

Mr. Knoll introduced—

S. F. No. 890: A bill for an act relating to housing; providing for eligibility of cooperatives to receive loans and mortgages; authorizing the agency to enter into multifamily housing rehabilitation agreements with local governmental units; establishing a

program of technical assistance to multifamily housing applicants proposing participation in ownership and management by residents; amending Minnesota Statutes 1976, Sections 462A.03, Subdivision 13; 462A.05, Subdivision 5; and 462A.07, by adding subdivisions.

Referred to the Committee on Energy and Housing.

Mr. Davies introduced—

S. F. No. 891: A bill for an act relating to juries; enacting the uniform juror selection and service act; providing for the selection and service of grand and petit jurors; providing penalties; repealing Minnesota Statutes 1976, Sections 3.081; 192.24; 357.26; 488A.07; 546.09; 593.03; 593.04; 593.05; 593.06; 593.07; 593.09; 593.10; 593.11; 593.12; 593.13; 593.14; 593.20; 628.42; 628.43; 628.44; 628.45; 628.46; 628.47; 628.49; 628.50; 628.51; 628.52; 628.53; and 631.33.

Referred to the Committee on Judiciary.

Messrs. Luther, Hanson, Strand and Sikorski introduced—

S. F. No. 892: A bill for an act relating to highway traffic regulations; driving, operating or being in physical control of a motor vehicle while under the influence of alcohol, drugs and controlled substances; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121, Subdivisions 1 and 6, and by adding subdivisions; 169.123, Subdivisions 1, 4, and 6, and by adding subdivisions; 169.127, Subdivisions 1, 2, 3 and 5, and by adding a subdivision; 171.245; and Chapter 169, by adding a section; repealing Minnesota Statutes 1976, Sections 169.121, Subdivisions 2, 3, 4, 5 and 7; 169.123, Subdivision 2; and 169.127, Subdivisions 4 and 6.

Referred to the Committee on Judiciary.

Messrs. Lewis, Milton and Kirchner introduced—

S. F. No. 893: A bill for an act relating to public health; changing definitions of review organizations; changing provisions concerning information supplies and records of review organizations; amending Minnesota Statutes 1976, Sections 145.61, Subdivisions 4, 4a, 5, and by adding a subdivision; 145.62; 145.64 and 145.65.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Setzepfandt, Gearty and Borden introduced—

S. F. No. 894: A bill for an act relating to state employees; permitting certain wage deductions; amending Minnesota Statutes 1976, Section 10.39, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Keefe, S.; Merriam; Johnson; Coleman and Ogdahl introduced—

S. F. No. 895: A bill for an act relating to metropolitan government; providing for sports facilities; establishing a sports commission; providing financing; providing a tax on the sales of certain intoxicating and fermented malt beverages in the metropolitan area; prohibiting certain restrictive agreements relating to the telecasting of games; increasing the levy limitation base for the city of Bloomington; regulating facilities location; repealing Minnesota Statutes 1976, Section 340.11, Subdivision 11a.

Referred to the Committee on Governmental Operations.

Messrs. Merriam, Olhoft and Schrom introduced—

S. F. No. 896: A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivision 3, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1; 116C.61, Subdivisions 2 and 3; 116C.64; 116C.69; and Chapter 116C, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kleinbaum, Ogdahl and Lewis introduced—

S. F. No. 897: A bill for an act relating to crime victims reparations; eliminating the minimum claim amount necessary for reparations; raising the amount of reparations paid to claimants suffering economic loss; amending Minnesota Statutes 1976, Sections 299B.03, Subdivision 2; and 299B.04.

Referred to the Committee on Health, Welfare and Corrections.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 200.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 45 and 382.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 45: A bill for an act relating to environmental protection; prohibiting retail sale of milk in nonreturnable, non-refillable plastic containers; prescribing penalties.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 382: A bill for an act relating to highway traffic regulations; motorcycle equipment for operators and passengers; noise regulations; amending Minnesota Statutes 1976, Section 169.974, Subdivisions 2 and 4, and by adding a subdivision; and Chapter 169, by adding a section.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 271, now on General Orders.

REPORTS OF COMMITTEES

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

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

S. F. No. 18: A bill for an act relating to elections; making false campaign statements unlawful; providing a penalty; amending Minnesota Statutes 1976, Section 210A.03.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Chapter 210A, is amended by adding a section to read:

[210A.045] [FALSE STATEMENTS.] *Any person, firm, corporation or committee who, with knowledge that the statement is false or with reckless disregard of whether it is false or not, makes, publishes or causes to be published any false statement with respect to any identifiable candidate which statement is designed or tends to affect the voting at an election is guilty of a misdemeanor.*

Sec. 2. Minnesota Statutes 1976, Section 210A.04, Subdivision 1, is amended to read:

210A.04 [DEFAMATORY CIRCULARS; PENALTY.] Subdivision 1. Every person who writes, prints, posts, or distributes, or causes to be written, printed, posted, or distributed, except by broadcasting, any circular, poster, or other written or printed matter containing false information with respect to the personal or political character or acts of any *identifiable* candidate, which is designed or tends to elect, injure or defeat ~~any~~ *that* candidate for nomination or election to a public office, *and who does so with*

knowledge that the information is false or with reckless disregard of whether it is false or not, shall be guilty of a gross misdemeanor."

Amend the title as follows:

Page 1, line 3, after "unlawful;" insert "changing the standard for proof of defamation;"

Page 1, line 4, strike "210A.03" and insert "210A.04, Subdivision 1, and Chapter 210A, by adding a section"

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

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

S. F. No. 292: A bill for an act relating to taxation; altering standard for determining eligibility for income tax credit given deaf persons; amending Minnesota Statutes 1976, Section 290.06, Subdivision 3c.

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

H. F. No. 260: A bill for an act relating to the military; abolishing the naval militia and deleting references thereto; correcting other terminology; amending Minnesota Statutes 1976, Sections 190.05, Subdivision 3; 190.06, Subdivision 2; 191.09; 192.26, Subdivision 1; 193.141, Subdivision 1; 193.142; 193.143; 193.1431; 193.145; and 193.36, Subdivision 1; repealing Minnesota Statutes 1976, Chapter 194.

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 217: A bill for an act relating to veterans; clarifying the definition of "veteran" for purposes of the purchase of tax-forfeited land; amending Minnesota Statutes 1976, Section 282.031; repealing Laws 1973, Chapter 700, Section 2.

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 606: A bill for an act relating to the military; financing of armory construction; amending Minnesota Statutes 1976, Sections 193.143; 193.145, Subdivision 2; and 193.146, Subdivision 1; repealing Minnesota Statutes 1976, Section 193.1431.

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

Page 7, line 18, strike "334.01" and insert "475.55"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "removing limitation

on the cost of construction and financing armories; raising permissible mill levy for"

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

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

S. F. No. 83: A bill for an act relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Agriculture and Natural Resources. 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. 141: A bill for an act relating to highway traffic regulations; prohibiting the manufacture, sale or purchase of certain equipment, and the installation or use thereof in motor vehicles; providing for the seizure, confiscation and disposition thereof; prescribing penalties; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

Reports the same back with the recommendation that the report from the Committee on Transportation shown in the Journal for February 28, 1977, that "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. 270: A bill for an act relating to motor vehicles; increasing the registration tax on certain vehicles; prescribing weight limitations on certain vehicles; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1e and 12; 169.79; 169.83, Subdivisions 1, 2 and 3; 169.85; and 169.86, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Transportation shown in the Journal for March 10, 1977, that "when so amended the bill do pass" be adopted. Amendments adopted. Report adopted.

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

S. F. No. 478: A bill for an act relating to cities; amending the definition of first class cities; amending Minnesota Statutes 1976, Section 410.01.

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

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

S. F. No. 57: A bill for an act relating to local control of campus liquor policy; amending Minnesota Statutes 1976, Section 624.701, Subdivision 1.

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

Page 2, line 1, strike "or on"

Page 2, line 2, after "or" insert "on its"

Page 2, line 2, after "grounds" strike ", but" and insert "; however, this possession shall be allowed"

Page 2, line 3, strike "in the"

Page 2, line 4, strike "case"

Page 2, line 4, after "of" insert "each"

Page 2, line 4, strike "institutions" and insert "post-secondary institution"

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

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

H. F. No. 291: A bill for an act relating to education; school districts; joint powers; authorizing joint boards to acquire certain property for data processing; amending Minnesota Statutes 1976, Section 123.73.

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

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

H. F. No. 6: A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding a subdivision; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

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

Page 2, line 11, after "(4)" insert "An age restriction established by a bona fide apprenticeship program established pursuant to Minnesota Statutes 1976, Chapter 178, which limits participation to persons who enter the program prior to some specified age and the trade involved in the program involves heavy physical labor or work in cramped uncomfortable positions; or work on high structures; or outdoor work involving exposure to extreme weather conditions. Neither shall"

Page 2, line 14, strike ", shall not"

Page 2, line 23, strike the period and insert a semicolon

Page 2, after line 23, insert:

“(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, which establishes a maximum age for entry into employment as a peace officer or firefighter.”

Page 3, after line 9, insert:

“Sec. 4. Minnesota Statutes 1976, Section 363.02, is amended by adding a subdivision to read:

Subd. 7. [SUMMER YOUTH EMPLOYMENT PROGRAM.] The provisions of section 363.03, subdivision 1, with regard to age shall not apply to the state summer youth employment program administered by the commissioner of employment services.”

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 6, strike “a subdivision” and insert “subdivisions”

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

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S. F. Nos. 775, 531, 592, 555, 594, 691, 675, 731, 638, 485, 759, 776, 771, 644, 721, 729, 764, 566, 627, 677, 751 and H. F. No. 212 reports the same back with the recommendation that the bills be re-referred as follows:

S. F. No. 775 to the Committee on Commerce.

S. F. Nos. 531 and 592 to the Committee on Education.

S. F. Nos. 555, 594, 691, 675 and 731 and H. F. 212 to the Committee on Employment.

S. F. No. 638 to the Committee on Finance.

S. F. Nos. 485, 759 and 776 to the Committee on Governmental Operations.

S. F. No. 771 to the Committee on Health, Welfare and Corrections.

S. F. Nos. 644, 721, 729 and 764 to the Committee on Judiciary.

S. F. Nos. 566, 627 and 677 to the Committee on Local Government.

S. F. No. 751 to the Committee on Transportation.

Report adopted.

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

H. F. No. 383 for comparison to its companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
383	333				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 383 be amended as follows:

Page 1, line 18, reinstate the stricken language

Page 2, line 12, reinstate the stricken language

Page 3, line 2, reinstate the stricken language

And when so amended, H. F. No. 383 will be identical to S. F. No. 333 and further recommends that H. F. No. 383 be given its second reading and substituted for S. F. No. 333 and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 18, 292, 217, 606, 141, 270, 57 and 478 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 260 and 383 were read the second time.

H. F. No. 291 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Borden moved that the name of Mr. Lessard be added as co-author to S. F. No. 777. The motion prevailed.

Mr. Benedict moved that the name of Mr. Keefe, S. be added as co-author to S. F. No. 788. The motion prevailed.

Mr. Anderson moved that the name of Mr. Sikorski be added as co-author to S. F. No. 808. The motion prevailed.

Mr. Johnson moved that the name of Mr. Nelson be added as co-author to S. F. No. 834. The motion prevailed.

Mr. Chenoweth moved that the name of Mr. Laufenburger be added as co-author to S. F. No. 835. The motion prevailed.

Mr. Coleman moved that Senate Concurrent Resolution No. 7 be taken from the table. The motion prevailed.

Senate Concurrent Resolution No. 7: A senate concurrent resolution relating to joint rules; providing for joint rules for the Legislature of the State of Minnesota.

Mr. Coleman moved to adopt the foregoing resolution.

Mr. Ashbach moved to amend proposed Joint Rule 2.06 by adding a new paragraph after the third paragraph as follows:

"A conference committee shall confine itself to differences of

opinion between the houses. A conference committee report shall not insert new matters not referred to in either the Senate or the House version."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 42, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Jensen	Ogdahl	Sieloff
Bang	Dunn	Keefe, J.	Pillsbury	Ueland, A.
Bernhagen	Engler	Kirchner	Renneke	Ulland, J.
Brataas	Frederick	Knutson		

Those who voted in the negative were:

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

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

The question recurred on the motion of Mr. Coleman to adopt Senate Concurrent Resolution No. 7. The motion prevailed. So the resolution was adopted.

THIRD READING OF HOUSE BILLS

H. F. No. 38: A bill for an act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051, by adding a subdivision.

With the unanimous consent of the Senate, Mr. Sikorski moved to amend H. F. No. 38 as follows:

Page 4, line 23, strike "*subdivision 2*" and insert "*subdivisions 2 and 3*"

Page 4, line 27, strike "*subdivision 2*" and insert "*subdivisions 2 and 3*"

The motion prevailed. So the amendment was adopted.

H. F. No. 38 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 55 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Chenoweth	Engler	Humphrey	Kleinbaum
Bang	Coleman	Frederick	Johnson	Knoll
Benedict	Davies	Gearty	Keefe, J.	Knutson
Bernhagen	Dieterich	Gunderson	Keefe, S.	Laufenburger
Brataas	Dunn	Hanson	Kirchner	Lessard

Lewis	Nelson	Peterson	Solon	Tennessee
Luther	Nichols	Pillsbury	Spear	Ueland, A.
McCutcheon	Ogdahl	Schmitz	Staples	Ulland, J.
Menning	Olhoft	Setzepfandt	Stokowski	Vega
Milton	Penny	Sieloff	Strand	Wegener
Moe	Perpich	Sikorski	Stumpf	Willet

Those who voted in the negative were:

Ashbach Chmielewski Jensen Renneke Schrom

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

CONSENT CALENDAR

S. F. No. 456: A bill for an act relating to elections; allowing municipalities to open polling places at 6:00 a.m.; amending Minnesota Statutes 1976, Section 204A.05, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 511: A bill for an act relating to the state transportation system; correcting conditions of a bond authorization; amending Laws 1976, Chapter 339, Section 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Davies	Jensen	Lessard	Ogdahl
Ashbach	Dieterich	Johnson	Lewis	Olhoft
Bang	Dunn	Keefe, J.	Luther	Penny
Benedict	Engler	Keefe, S.	McCutcheon	Perpich
Bernhagen	Frederick	Kirchner	Menning	Peterson
Brataas	Gearty	Kleinbaum	Milton	Pillsbury
Chenoweth	Gunderson	Knoll	Moe	Purfeerst
Chmielewski	Hanson	Knutson	Nelson	Renneke
Coleman	Humphrey	Laufenburger	Nichols	Schmitz

Schrom	Solon	Stokowski	Tennessee	Vega
Setzepfandt	Spear	Strand	Ueland, A.	Wegener
Sieloff	Staples	Stumpf	Ulland, J.	Willet
Sikorski				

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S. F. Nos. 305, 147, 380, 78, 86, 189, 114 and 26 which the committee recommends to pass.

S. F. No. 74, which the committee recommends to pass with the following amendment offered by Mr. Wegener:

Page 1, line 9, strike "the"

Page 1, strike line 10, and insert:

"on January 1, 1978."

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, March 24, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SIXTH DAY

St. Paul, Minnesota, Thursday, March 24, 1977

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

Prayer was offered by the Chaplain, Monsignor Ambrose V. Hayden.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Bang, Hughes and Kirchner were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 18, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1977 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1977	Date Filed 1977
232		4	March 18	March 18

Sincerely,
Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Anderson, Solon, Gunderson and Ashbach introduced—

S. F. No. 898: A bill for an act relating to public welfare; providing for eligibility for a daytime activity center for palsied and retarded youth; providing duties for the commissioner of public welfare; amending Minnesota Statutes 1976, Sections 252.23; 252.24, Subdivisions 2, 3 and 4; and 252.26.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Milton introduced—

S. F. No. 899: A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; providing an annual cost settlement; appropriating money; amending Minnesota Statutes 1976, Sections 144A.05; 144A.10, Subdivisions 2 and 5; 256B.27, by adding a subdivision; 256B.44, Subdivision 3; 256B.45; 256B.47, Subdivision 1; and Chapter 256B, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Dieterich, Luther, Kleinbaum and Sikorski introduced—

S. F. No. 900: A bill for an act relating to the department of public service; providing for its proper operation; prescribing certain powers, functions and duties; making certain corrections and improvements; revising procedures for regulation of certain activities; reducing certain fees; increasing certain penalties; amending Minnesota Statutes 1976, Sections 216A.02; 216A.03, Subdivision 5; 216A.05, Subdivision 1; 216A.07; 216B.16, Subdivisions 1 and 2; 216B.53; 231.16; 232.04; 232.06, Subdivision 4; 237.22; 237.29, Subdivision 1; 239.02; 239.07; 239.08; 239.10; 239.12; 239.23; 239.24; and 239.44; repealing Minnesota Statutes 1976, Sections 239.20 and 239.45; and Laws 1975, Chapter 87, Section 5.

Referred to the Committee on Commerce.

Mr. Nelson introduced—

S. F. No. 901: A bill for an act appropriating money annually to the regents of the university of Minnesota for research by the Hormel Institute, a division of the university at Austin, Minnesota.

Referred to the Committee on Education. Mr. Moe questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Frederick, Bang, Merriam, Laufenburger and Mrs. Brataas introduced—

S. F. No. 902: A bill for an act relating to taxation; increasing personal credits against income tax; amending Minnesota Statutes 1976, Section 290.06, Subdivision 3c, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth, Schaaf, Kirchner, Stokowski and McCutcheon introduced—

S. F. No. 903: A bill for an act relating to public safety; excepting certain personnel in the department of public safety from the requirement of reimbursing the state for the cost of using state-owned vehicles; amending Minnesota Statutes 1976, Section 16.753, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mrs. Staples; Messrs. Keefe, S.; Milton; Mrs. Brataas and Mr. Vega introduced—

S. F. No. 904: A bill for an act relating to commerce; regulating employment agencies; amending Minnesota Statutes 1976, Section 184.38, Subdivision 8.

Referred to the Committee on Commerce.

Mr. Borden introduced—

S. F. No. 905: A bill for an act relating to the city of Mora; authorizing the issuance of electric revenue refunding bonds.

Referred to the Committee on Local Government.

Messrs. Luther, Merriam, Willet, Strand and Setzepfandt introduced—

S. F. No. 906: A bill for an act relating to railroads; allowing reduced rates for transportation of waste material for reprocessing;

amending Minnesota Statutes 1976, Section 218.021, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Luther, Davies, Humphrey and Spear introduced—

S. F. No. 907: A bill for an act relating to crimes; authorizing a court to impose as a condition of release for a person charged with a criminal offense a bail procedure that provides for a ten percent deposit.

Referred to the Committee on Judiciary.

Mr. Ogdahl introduced—

S. F. No. 908: A bill for an act relating to retirement; authorizing repayment of certain refunds by a former state officer.

Referred to the Committee on Governmental Operations.

Mr. Moe introduced—

S. F. No. 909: A bill for an act relating to the administration of justice; Clearwater district and county courts; law library fees; assessment in petty misdemeanor cases; amending Laws 1976, Chapter 290, Section 4.

Referred to the Committee on Judiciary.

Messrs. Wegener, Setzepfandt, Nelson, Engler and Schmitz introduced—

S. F. No. 910: A bill for an act relating to local government; powers and duties of the Minnesota municipal board; regulating the incorporation, annexation, detachment, consolidation and boundary adjustments of certain local governmental units; amending Minnesota Statutes 1976, Sections 414.01, Subdivisions 1, 2, 5, 7a, 8, 12, 14, and 15; 414.011, Subdivisions 2, 3, 5, and by adding subdivisions; 414.02; 414.031; 414.033, Subdivisions 1, 2, 3, 5, 6, 7, and by adding a subdivision; 414.041; 414.06; 414.061, Subdivisions 1 and 4, and by adding subdivisions; 414.065; 414.067; 414.07; 414.09; and Chapter 414, by adding sections; repealing Minnesota Statutes 1976, Sections 414.021; 414.032; 414.033, Subdivision 4; 414.034; 414.061, Subdivision 3; and 414.068.

Referred to the Committee on Local Government.

Messrs. McCutcheon, Setzepfandt, Hanson and Sillers introduced—

S. F. No. 911: A bill for an act relating to taxation; altering requirements for income adjusted homestead credit; eliminating local debt exclusion from homestead credit calculation; increasing acreage available for agricultural homesteads and the minimum

acreage for agricultural homestead; increasing the agricultural mill rate credit; increasing the distribution of local government aid; appropriating money; amending Minnesota Statutes 1976, Sections 273.13, Subdivisions 6 and 7; 273.132; 290A.03, Subdivisions 6, 8 and 13; 477A.01, Subdivisions 1, 2, 4, 4a and 4b, and by adding a subdivision; and 477A.03; and Laws 1976, Chapter 334, Section 21; repealing Minnesota Statutes 1976, Section 477A.01, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf, Gunderson, Anderson, Merriam and Ueland, A. introduced—

S. F. No. 912: A bill for an act relating to education; providing for the correction or elimination of erroneous, ambiguous, omitted and obsolete references and text; amending Minnesota Statutes 1976, Sections 120.02, Subdivision 18; 120.10, Subdivision 3; 120.-17, Subdivision 5a; 120.171; 120.66; 121.02, Subdivision 1; 121.09; 121.12; 121.21, Subdivision 6; 121.212, Subdivision 1; 121.28; 121.49; 121.86; 122.34; 123.34, Subdivisions 6, 8 and 10; 123.35, Subdivision 4; 123.36, Subdivision 5; 123.37, Subdivisions 1 and 13; 123.39, Subdivision 6; 123.40, Subdivision 5; 123.58, Subdivisions 2, 4, 6 and 10; 123.581, Subdivisions 4 and 7; 123.69, Subdivision 2; 123.79, Subdivision 1; 124.09; 124.15, Subdivision 2; 124.17, Subdivision 2; 124.30, Subdivision 5; 124.38, Subdivision 10; 124.41, Subdivision 1; 124.47, Subdivision 1; 124.561, Subdivision 3; 125.05, Subdivision 3; 125.08; 125.12, Subdivisions 6b and 9; 125.183, Subdivision 5; 125.185, Subdivision 5; 136.09, Subdivision 3; 136.11, Subdivision 4; 136.141; 136.142, Subdivision 1; 136.145; 136.15; 136.31, Subdivision 2; 136A.142; 136A.17, Subdivision 1; 136A.172; 136A.173, Subdivision 1; 136A.174; 136A.-175, Subdivision 4; 136A.176; 136A.177; 136A.178; 136A.179; 136A.233; 136A.28; 137.01, Subdivision 2; 275.09, Subdivision 4; 375.08; 375.14; 382.01; repealing Minnesota Statutes 1976, Sections 120.02, Subdivision 11; 121.16, Subdivision 2; 122.26; 124.-562, Subdivision 6; 124.563, Subdivision 4; 136.87, Subdivision 3; Laws 1965, Chapter 705, Section 1, Subdivisions 12, 13, 14, 15, 16 and 17; Laws 1969, Chapter 699, Section 2; Laws 1969, Chapters 969 and 1110; and Laws 1971, Chapter 256.

Referred to the Committee on Education.

Messrs. Stumpf, Gunderson, Anderson, Merriam and Ueland, A. introduced—

S. F. No. 913: A bill for an act relating to education; correcting and eliminating certain erroneous and obsolete references and text relating to state universities and community colleges; amending Minnesota Statutes 1976, Sections 136.016, Subdivision 1; 136.60, Subdivision 1, and by adding a subdivision; 136.603; 136.-62; 136.621, Subdivision 1; repealing Minnesota Statutes 1976, Sections 136.016, Subdivisions 2, 3, 4, 5 and 6; 136.60, Subdivision 2; 136.601; 136.602; 136.621, Subdivisions 2 and 3; and 136.66.

Referred to the Committee on Education.

Mr. Ueland, A. introduced—

S. F. No. 914: A bill for an act relating to the city of Mankato; providing for the service of the police and fire chiefs.

Referred to the Committee on Local Government.

Mr. Stokowski introduced—

S. F. No. 915: A bill for an act relating to retirement; computation of average salary for certain unclassified state employees.

Referred to the Committee on Governmental Operations.

Mr. Keefe, S. introduced—

S. F. No. 916: A bill for an act relating to elections; precinct boundaries; including annexed area in adjacent precinct; amending Minnesota Statutes 1976, Section 204A.06, Subdivision 1; repealing Minnesota Statutes 1976, Section 204A.06, Subdivision 2.

Referred to the Committee on Elections.

Mrs. Staples, Messrs. Olhoft, Benedict, Humphrey and Vega introduced—

S. F. No. 917: A bill for an act relating to education; requiring state universities to give full credit for graduate courses completed in other state universities.

Referred to the Committee on Education.

Mrs. Staples, Messrs. Sikorski, Spear, Schaaf and Vega introduced—

S. F. No. 918: A bill for an act relating to crime victims reparations; eliminating the minimum claim amount necessary for reparations; raising the amount of reparations paid to claimants suffering economic loss; amending Minnesota Statutes 1976, Sections 299B.03, Subdivision 2; and 299B.04.

Referred to the Committee on Judiciary.

Messrs. Schmitz, Frederick, Wegener, Moe and Hanson introduced—

S. F. No. 919: A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; amending Minnesota Statutes 1976, Section 169.80, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Davies, Ogdahl and Spear introduced—

S. F. No. 920: A bill for an act relating to the city of Minneapolis; permitting the issuance of certain bonds.

Referred to the Committee on Local Government.

Mr. Laufenburger introduced—

S. F. No. 921: A bill for an act relating to corrections; reimbursement to counties for probation and parole services provided by them to wards of the state; amending Minnesota Statutes 1976, Section 260.311, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Benedict, Strand, Mrs. Staples and Mr. Humphrey introduced—

S. F. No. 922: A bill for an act relating to parking privileges for the physically handicapped; prohibiting nonhandicapped persons from parking in spaces designated for the handicapped; providing penalties.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Strand, Setzepfandt, Olhoft, Peterson and Renneke introduced—

S. F. No. 923: A bill for an act relating to pipelines; liability of landowner restricted.

Referred to the Committee on Transportation.

Messrs. Strand, Olhoft and Benedict introduced—

S. F. No. 924: A bill for an act relating to eminent domain; payment of attorney's fees in certain instances; amending Minnesota Statutes 1976, Section 117.175, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Strand and Benedict introduced—

S. F. No. 925: A bill for an act relating to electric utilities; appropriating funds for monitoring the operation of high voltage transmission lines.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Schrom, Peterson, Olhoft and Engler introduced—

S. F. No. 926: A bill for an act relating to education; school district organization; eliminating the requirement that a school district maintain certain grades; amending Minnesota Statutes 1976, Sections 122.41; 122.43, Subdivision 1; and 122.44, Subdivision 1.

Referred to the Committee on Education.

Mr. Sieloff and Mrs. Brataas introduced—

S. F. No. 927: A bill for an act relating to taxation; providing a deduction from income for a lessee's share of real property taxes paid on his rented residence; amending Minnesota Statutes 1976, Section 290.09, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S. F. No. 928: A bill for an act relating to taxation; providing for increased withholding based on itemized deductions; amending Minnesota Statutes 1976, Section 290.92, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Luther introduced—

S. F. No. 929: A bill for an act relating to municipalities; detachment and annexation proceedings; clarifying petition requirements in proceedings involving portions of municipalities surrounded by other municipalities; amending Minnesota Statutes 1976, Section 414.061, Subdivision 4.

Referred to the Committee on Local Government.

Messrs. Chmielewski, Olson, Sieloff, Gearty and Dunn introduced—

S. F. No. 930: A bill for an act relating to unemployment compensation; providing for the assignment of veterans employment representatives; amending Minnesota Statutes 1976, Section 268.14, by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Milton questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Sieloff and Dunn introduced—

S. F. No. 931: A bill for an act relating to taxation; providing for the deduction of post secondary educational expenses from gross income for income tax purposes; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Menning, Knutson, Kleinbaum, Wegener and Olson introduced—

S. F. No. 932: A bill for an act relating to motor vehicles; registration and taxation; fees for filing applications; appointment

and duties of deputy registrars; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Humphrey; Keefe, S. and Gearty introduced—

S. F. No. 933: A bill for an act establishing a special advisory committee on presidential primary elections; appropriating money.

Referred to the Committee on Elections.

Mr. Chmielewski introduced—

S. F. No. 934: A bill for an act relating to retirement; eliminating the deduction of workers' compensation benefits from certain public employees disability retirement benefits; amending Minnesota Statutes 1976, Section 352B.10; repealing Minnesota Statutes 1976, Sections 352.113, Subdivision 5; 353.33, Subdivision 5; and 353.656, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Ashbach, Moe, Solon and Keefe, J. introduced—

S. F. No. 935: A bill for an act relating to university and professional athletic programs; providing for the remodeling of Memorial Stadium into a multi-purpose athletic facility.

Referred to the Committee on Governmental Operations.

Messrs. Milton, Solon and Keefe, S. introduced—

S. F. No. 936: A bill for an act relating to public welfare; providing for supplemental grants to families with dependent children; providing an appropriation; amending Minnesota Statutes 1976, Chapter 256, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Lessard introduced—

S. F. No. 937: A bill for an act relating to Koochiching county; authorizing the imposition of a sales tax on certain sales of lodging and related services.

Referred to the Committee on Taxes and Tax Laws.

Mr. Milton introduced—

S. F. No. 938: A bill for an act relating to the conservation and development of human resources; establishing a state human resources policy to guide state and local governmental activities; establishing a human resources coordinating council; prescribing its powers and duties; appropriating money.

Referred to the Committee on Health, Welfare and Corrections. Mr. Milton questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Chenoweth; Borden; Ulland, J.; Luther and Dieterich introduced—

S. F. No. 939: A bill for an act relating to public utilities; providing for representation of consumer interests in public utility matters; permitting qualifying private, nonprofit corporations to participate in regulatory agency hearings and to solicit contributions from utility customers; requiring public service commission certification of qualifying corporations; requiring a report.

Referred to the Committee on Commerce.

Messrs. Olson, Menning, Purfeerst, Schrom and Moe introduced—

S. F. No. 940: A bill for an act relating to taxation; increasing the amount of state paid property tax credit on certain agricultural and recreational property; amending Minnesota Statutes 1976, Section 273.132.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hanson, Moe, Willet, Dunn and Menning introduced—

S. F. No. 941: A bill for an act relating to agriculture; the family farm security program; eliminating first mortgage requirements for seller-sponsored loans; authorizing retention of land by sellers in lieu of payment of loan guarantees; authorizing sharing of excess proceeds from default sale; allowing payment adjustments for certain loans with unequal annual payments; amending Minnesota Statutes 1976, Sections 41.52, Subdivisions 5 and 8; 41.54, Subdivision 2; 41.56, Subdivisions 3 and 4; 41.57, Subdivision 2; and 41.58, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Moe introduced—

S. F. No. 942: A bill for an act relating to finance; deleting obsolete provisions; changing and clarifying cross-references; codifying certain provisions formerly in session laws; appropriating money; amending Minnesota Statutes 1976, Sections 12.24, Subdivision 2; 15.50, Subdivision 5; 16.172; 16.80, Subdivision 1; 16A.17, Subdivision 9; 18.69; 43.43, Subdivision 2; 121.48, Subdivision 2; 124.212, Subdivision 19; 136.11, Subdivision 5; 136.144; 136.37; 136.55, Subdivision 2; and Chapter 243, by adding a section; repealing Minnesota Statutes 1976, Sections 16.026, Subdivision 5; and 16A.05; and Laws 1945, Chapter 575, Sections 19 and 21.

Referred to the Committee on Finance.

Messrs. Purfeerst, Frederick, Moe, Nichols and Laufenburger introduced—

S. F. No. 943: A bill for an act relating to workers' compensation; authorizing coverage for owners of a business; including family farms and family farm corporations; amending Minnesota Statutes 1976, Sections 176.011, Subdivisions 9 and 11a; 176.012 and 176.051.

Referred to the Committee on Employment.

Mr. Stokowski introduced—

S. F. No. 944: A bill for an act relating to retirement; purchase of service credit by certain state employees or former employees; amending Minnesota Statutes 1976, Section 352.021, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski and Peterson introduced—

S. F. No. 945: A bill for an act relating to the public employees retirement association; increasing contributions; reducing penalty for early retirement; increasing interest on refunds; eliminating augmentation of deferred annuities; transferring the required reserves for a deferred annuity to the Minnesota adjustable fixed benefit fund; eligibility for proportionate annuities; amending Minnesota Statutes 1976, Sections 353.27, Subdivision 2; 353.30, Subdivisions 1, 1b, and 3; 353.31, by adding subdivisions; 353.32, Subdivision 1; 353.34, Subdivision 2; 353.65, Subdivisions 2 and 3; 353.657, by adding a subdivision; and 353.71, Subdivision 2; and 356.32, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Purfeerst; Keefe, S.; Ueland, A.; Solon and Gearty introduced—

S. F. No. 946: A bill for an act relating to elections; providing for the number of voting machines to be available for voters; amending Minnesota Statutes 1976, Section 206.11.

Referred to the Committee on Elections.

Mr. Chmielewski introduced—

S. F. No. 947: A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schrom, Kleinbaum and Chmielewski introduced—

S. F. No. 948: A bill for an act relating to education; vocational education programs in school districts; providing for reimbursement of expenses for joint programs with industry; amending Minnesota Statutes 1976, Section 124.57.

Referred to the Committee on Education.

Mr. Borden introduced—

S. F. No. 949: A bill for an act relating to wrongful death; authorizing the commencement of an action within three years from the date of death; amending Minnesota Statutes 1976, Section 573.02, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Luther, Benedict, Strand, Olson and Sikorski introduced—

S. F. No. 950: A bill for an act relating to landlord and tenant; establishing period for which interest is payable on security deposit; providing a measure of damages for the improper withholding of security deposits; amending Minnesota Statutes 1976, Section 504.20, Subdivisions 2, 3, 4 and 7.

Referred to the Committee on Judiciary.

Mr. Nichols introduced—

S. F. No. 951: A bill for an act relating to taxation; setting the mortgage registry tax on contracts for deed; amending Minnesota Statutes 1976, Section 287.05, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S. F. No. 952: A bill for an act changing the boundary line between Lac qui Parle county and Big Stone county; amending Laws 1937, Chapter 423, Section 1.

Referred to the Committee on Local Government.

Mr. Nichols introduced—

S. F. No. 953: A bill for an act relating to real property; conveyancing and recording; requirements for recording easements; amending Minnesota Statutes 1976, Section 507.24.

Referred to the Committee on Judiciary.

Messrs. Nichols, Strand and Hanson introduced—

S. F. No. 954: A bill for an act relating to waters; permitting the establishment of water user districts.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Nichols, Lessard, Setzepfandt and Hanson introduced—

S. F. No. 955: A bill for an act relating to health; medical assistance for the needy; providing depreciation allowances for nursing homes; amending Minnesota Statutes 1976, Section 256B.43, by adding subdivisions.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Hughes, Coleman, Stumpf, Dunn and Anderson introduced—

S. F. No. 956: A bill for an act relating to education; creating a statewide post-secondary vocational-technical education system; transferring to the state board for post-secondary vocational-technical education the powers and duties of the state board for vocational education; appropriating money; amending Minnesota Statutes 1976, Sections 120.05; and 121.09; repealing Minnesota Statutes 1976, Sections 121.11, Subdivision 1; 121.21; 121.212; 121.213; 121.214; 121.215; 121.216; 124.52; 124.53; 124.54; 124.55; 124.56; 124.561; 124.562; 124.563; 124.564; 124.565; 124.566; 124.58; 124.59; 124.60; 124.61; 124.69; 126.151; 275.125, Subdivisions 13 and 14; Laws 1967, Chapter 822, as amended; Laws 1969, Chapters 775 and 1060, as amended; Laws 1971, Chapter 209; and Laws 1971, Chapter 722, as amended.

Referred to the Committee on Education.

Mr. Benedict introduced—

S. F. No. 957: A bill for an act authorizing a revenue bond issue upon approval by the voters in the metropolitan area, for remodeling and upgrading Metropolitan Stadium.

Referred to the Committee on Governmental Operations.

Messrs. Dieterich and Stumpf introduced—

S. F. No. 958: A bill for an act relating to Ramsey county and the cities of Arden Hills, Roseville, Saint Paul and Shoreview; providing for construction of necessary highway improvements; apportioning costs; prescribing certain limitations; amending Laws 1974, Chapter 435, Section 1.0209, as amended.

Referred to the Committee on Local Government.

Mr. Sikorski introduced—

S. F. No. 959: A bill for an act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance

plans; eliminating certain open enrollment requirements for non-profit health service plans; revising the Minnesota comprehensive health insurance act of 1976; making necessary improvements and corrections; further prescribing the powers and duties of the commissioner of insurance; amending Minnesota Statutes 1976, Sections 62A.02, Subdivision 3; 62D.10, Subdivision 1; 62E.02, Subdivisions 2, 8, 11 and 21; 62E.03, Subdivision 2; 62E.04, Subdivision 4; 62E.06; 62E.09; 62E.10, Subdivisions 1 and 3; 62E.11, Subdivision 5; 62E.13, Subdivisions 2 and 4; and 62E.14, Subdivision 1.

Referred to the Committee on Commerce. Mr. Sikorski questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 38.

H. F. No. 38: A bill for an act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051, by adding a subdivision.

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

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

House File No. 38 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 21, 1977

Mr. Sikorski moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 38, 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 House Files, herewith transmitted: H. F. Nos. 56, 148, 168, 300, 319, 672 and 675.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 56: A bill for an act relating to children; providing visitation rights to minor children in certain cases; amending Minnesota Statutes 1976, Section 257.022, Subdivision 2.

Referred to the Committee on Judiciary.

H. F. No. 148: A bill for an act relating to the city of Minneapolis; selection of supervisor of license inspection for the Minneapolis police department; establishing minimum qualifications; amending Laws 1961, Chapter 108, Section 2, as amended.

Referred to the Committee on Local Government.

H. F. No. 168: A bill for an act relating to Yellow Medicine county; authorizing participation in a mental health services program outside its region.

Referred to the Committee on Rules and Administration.

H. F. No. 300: A bill for an act relating to elections; removing a provision for special hours during which registration locations must be open; amending Minnesota Statutes 1976, Section 201.091, Subdivision 6.

Referred to the Committee on Elections.

H. F. No. 319: A bill for an act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1976, Sections 123.39, Subdivision 13; 252.21; 252.22; 252.23; 252.24; 252.25; and 252.26.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 672: A bill for an act relating to insurance; providing for determination of the participation ratio; providing for higher limits of liability coverage and uninsured motorist coverage; amending Minnesota Statutes 1976, Sections 65B.02, Subdivision 7; 65B.06, Subdivision 2; and 65B.49, Subdivision 6.

Referred to the Committee on Commerce.

H. F. No. 675: A bill for an act relating to insurance; changing the filing date for annual statements of township mutual companies; changing limitations on property insurable by township mutual companies; changing limitations on investments by township mutual companies; amending Minnesota Statutes 1976, Sections 67A.11, Subdivision 3; 67A.14, Subdivisions 1 and 5; and 67A.23.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the reports on S. F. Nos. 645 and 1 be now adopted. The motion prevailed.

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

S. F. No. 345: A bill for an act relating to the Minnesota munic-

ipal board; providing for per diem compensation and reimbursement of expenses for board members; amending Minnesota Statutes 1976, Section 414.01, Subdivision 6a.

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

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

S. F. No. 173: A bill for an act relating to Kittson county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing and collecting the same and prescribing penalties for violations thereof.

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

Page 1, line 12, strike "COUNTY" and insert "AND MARSHALL COUNTIES"

Page 1, line 14, after "Kittson" insert "or Marshall"

Page 1, line 20, after "Kittson" insert "or Marshall"

Page 2, line 1, strike "of Kittson"

Page 2, line 2, strike "county"

Page 2, line 13, strike "of Kittson county"

Page 2, line 30, after "Kittson" insert "or Marshall"

Page 3, line 30, before "This" insert "The provisions of"

Page 3, line 30, after "act" insert "that relate to Kittson county"

Page 4, line 1, after the period, insert "The provisions of this act that relate to Marshall county shall become effective only after its approval by a majority of the members of the board of county commissioners of Marshall county and upon compliance with the provisions of Minnesota Statutes, Section 645.021."

Amend the title as follows:

Line 2, after "to" insert "taxation;"

Line 2, strike "county" and insert "and Marshall counties"

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

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

S. F. No. 475: A bill for an act relating to Becker county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing the same and prescribing penalties for violations thereof.

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 586: A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plans; amending Minnesota Statutes 1976, Section 60A.08, Subdivision 10.

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 105: A bill for an act relating to public welfare; providing pre-trial proceedings and hearings to determine paternity of illegitimate children; requiring a notice to be given a father when a mother intends to relinquish a child for purposes of adoption; enacting the uniform parentage act; revising Minnesota Statutes to conform with the uniform parentage act; amending Minnesota Statutes 1976, Sections 144.159; 144.167; 144.171, Subdivision 2; 257.025; 257.175; 257.28; 259.24, Subdivisions 1 and 2; 259.25, Subdivision 1; 259.26, Subdivision 1; 259.29; 260.111, Subdivision 2; 525.172; and 525.173; repealing Minnesota Statutes 1976, Sections 144.177; 257.251; 257.252; 257.253; 257.254; 257.255; 257.256; 257.257; 257.258; 257.259; 257.261; 257.262; 257.263; 257.264; 257.27; 257.29; 257.30; 257.31; 257.33; 259.261; and 517.19.

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

Page 5, line 6, strike "*obtaining*" and insert "*the person bringing the action has obtained*"

Page 5, line 7, strike "*five*" and insert "*three*"

Page 5, line 27, strike "*subdivision 2,*"

Page 6, line 3, strike "*other than by the child*"

Page 6, line 12, strike "*three years*" and insert "*one year*"

Page 6, line 19, before "*The*" insert "*Except in Hennepin and Ramsey counties,*"

Page 6, line 20, strike "*district*" and insert "*county*"

Page 6, line 21, after the period insert "*In Hennepin and Ramsey counties, the district court has jurisdiction of an action brought under sections 1 to 25.*"

Page 7, line 17, strike "*an informal*" and insert "*a pre-trial*"

Page 7, line 18, after "*held*" and before the period insert "*in accordance with the rules of civil procedure*"

Page 8, line 7, after "*BLOOD*" insert "*AND GENETIC*"

Page 8, line 9, after “tests” insert “or genetic tests, or both”

Page 8, line 10, strike the first “an” and insert “a qualified”

Page 8, line 10, strike “qualified as an”

Page 8, line 11, strike “examiner of blood types,”

Page 8, line 14, after “other” insert “qualified”

Page 8, line 14, strike “qualified as examiners of blood types”

Page 8, line 24, before “Blood” insert “Genetic and”

Page 9, strike lines 3 to 13

Page 9, line 14, strike “(b) That” and insert “Sec. 14. [COM-PROMISE.]”

Page 9, line 14, after “matter” insert “may”

Page 9, line 20, strike “conducting the hearing”

Page 9, line 22, strike the first “the” and insert “a”

Page 9, line 22, strike “conducting the hearing”

Page 9, line 32, strike the semicolon and insert a period

Page 10, strike lines 1 to 19

Page 10, line 25, after “apply” and before the period insert “to proceedings under this section”

Page 11, line 4, strike “he” and insert “that man”

Page 11, line 6, after “is” insert “so”

Page 11, line 19, after “contain” insert “a provision declaring the name of the child, or”

Page 12, line 27, strike “blood” and insert “appropriate”

Page 12, line 30, strike “county welfare board” and insert “appropriate agency”

Page 14, line 5, strike “a district” and insert “the”

Page 14, line 6, strike “judge,” and insert “or a”

Page 14, lines 10 and 14, strike “complainant” and insert “petitioner”

Page 14, line 11, strike “ of this act ”

Page 15, line 14, after “1.” insert “Upon compliance with the provisions of section 5, subdivision 1, clause (e) or”

Page 15, line 17, after “the” insert “acknowledgement or the”

Page 16, line 9, after “exist” insert “ , or the father has entered into a written agreement conferring authority to place for adoption pursuant to section 259.29”

Page 17, line 12, strike the first comma

Page 17, line 12, after "shall" insert "proceed to determine the existence or non-existence of the father and child relationship. If the court determines that the father and child relationship exists, it shall"

Page 17, line 27, after "the" insert "adoption"

Page 18, line 1, strike "If no person has been identified as the"

Page 18, strike lines 2 to 8

Page 18, after line 8, insert

"Sec. 26. Minnesota Statutes 1976, Section 62A.041, is amended to read:

62A.041 [MATERNITY BENEFITS; UNMARRIED WOMEN.] Each group policy of accident and health insurance issued or renewed after June 4, 1971, shall provide the same coverage for maternity benefits to unmarried women and minor female dependents that it provides to married women including the wives of employees choosing dependent family coverage. If an *unmarried* insured is a parent or an ~~acknowledged or adjudicated~~ parent of a dependent ~~illegitimate~~ child, each group policy issued or renewed after July 1, 1976, shall provide the same coverage for that child as that provided for the child of an employee choosing dependent family coverage if the insured elects dependent family coverage.

Each individual policy of accident and health insurance shall provide the same coverage for maternity benefits to unmarried women and minor female dependents as that provided for married women. If the *an unmarried* insured is a parent or an ~~acknowledged or adjudicated~~ parent of a dependent ~~illegitimate~~ child, each individual policy issued or renewed after July 1, 1976, shall also provide the same coverage for that child as that provided for the child of an insured choosing dependent family coverage if the insured elects dependent family coverage.

For the purposes of this section, the term "maternity benefits" shall not include elective, induced abortion whether performed in a hospital, other abortion facility, or the office of a physician.

Sec. 27. Minnesota Statutes 1976, Section 62C.14, Subdivision 5a, is amended to read:

Subd. 5a. Any group subscriber's contract delivered or issued for delivery or renewed in this state after August 1, 1973 shall provide the same coverage for maternity benefits to unmarried women and minor female dependents as that provided for married women. If a *an unmarried* subscriber is a parent or an ~~acknowledged or adjudicated~~ parent of a dependent ~~illegitimate~~ child, each group subscriber's contract delivered or issued for delivery or renewed after July 1, 1976, shall, if the subscriber chooses family coverage, provide the same coverage for that child as that provided for the child of any other subscriber choosing dependent family coverage. Any group contracting for a group subscriber's contract may request that the coverage required by this section be omitted.

An individual subscriber's contract delivered or issued for delivery in this state shall provide the same coverage for maternity benefits to unmarried women and minor female dependents as that provided for married women. If ~~the~~ *an unmarried* subscriber is a parent ~~or the acknowledged or adjudicated~~ parent of a dependent illegitimate child, each subscriber's individual contract delivered or issued for delivery or renewed after July 1, 1975, shall, if the subscriber chooses dependent family coverage, provide the same coverage for that child as that provided for the child of any other subscriber choosing dependent family coverage.

Sec. 28. Minnesota Statutes 1976, Section 64A.22, Subdivision 1, is amended to read:

64A.22 [BENEFICIARIES.] Subdivision 1. [CHANGE; ELIGIBILITY; RIGHTS.] The member shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, laws or rules of the association. Every association by its constitution, laws or rules may limit the scope of beneficiaries and shall provide that no beneficiary shall have or obtain any vested interest in the proceeds of any certificate until the certificate has become due and payable in conformity with the provisions of the insurance contract; except that associations which fail to meet the requirements of section 64A.20, clause (3) shall confine the payment of death benefits to the wife, husband, family, relatives by blood or marriage, including illegitimate children *as to whom he is a parent, as defined in sections 1 to 25*, parent or child by adoption, affianced husband or wife, a person dependent on the member or on whom the member is dependent, the member's estate, a benevolent, educational, religious, or charitable corporation, or to an incorporated institution for the support of the member. Any association may limit the beneficiaries within the above classes."

Page 19, line 15, strike "*of this*"

Page 19, line 16, strike "*act*"

Page 19, after line 16, insert:

"Sec. 32. Minnesota Statutes 1976, Section 144.175, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE IN CERTAIN CASES.] Except as provided in *section 24*, or this section and section 144.176, disclosure of illegitimacy of birth or of information from which it can be ascertained may be made, or a certified copy of the birth certificate issued, only to the guardian of such person, the person to whom the record pertains when such person is 18 years of age or over, or that a new certificate of birth has been issued shall be confidential and may be released only upon order of a court of competent jurisdiction in a case where such information is necessary for the determination of personal or property rights and then only for such purpose. The birth and death records of the state board of health shall be opened to inspection by the commissioner of public welfare, and it shall not be necessary for him

to obtain an order of the court in order to inspect *the* records of illegitimate children or to secure certified copies thereof."

Page 20, line 17, strike "*in itself*"

Page 20, line 17, strike "*a*" and insert "*determinative of the custody of the child*"

Page 20, line 18, strike "*relevant factor*"

Page 21, line 15, strike "*15 of this*" and insert "*16*"

Page 21, line 16, strike "*act*"

Page 21, after line 16, insert:

"Sec. 36. Minnesota Statutes 1976, Section 257.33, is amended to read:

257.33 [DUTIES OF COMMISSIONER OF PUBLIC WELFARE.] It shall be the duty of the commissioner of public welfare when notified of a woman who is delivered of an illegitimate child, or pregnant with child likely to be illegitimate when born, to take care that the interests of the child are safeguarded; that appropriate steps are taken to establish his paternity; and that there is secured for him to offer appropriate social services to any pregnant woman who is determined to be at risk under criteria prescribed by rule of the commissioner. The commissioner shall also offer appropriate social services to the woman and her child after the birth of the child the nearest possible approximation to the care, support, and education that he would be entitled to if born of lawful marriage. For the better accomplishment of these purposes the commissioner of public welfare may initiate such legal or other action as is deemed necessary; may make such provision for the care, maintenance, and education of the child as the best interests of the child may from time to time require, and may offer his aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood."

Page 21, line 26, strike "*24 of this act*" and insert "*25*"

Page 24, line 5, strike "*the uniform parentage act*" and insert "*sections 1 to 25*"

Page 25, lines 16 and 20, strike "*the uniform parentage act*" and insert "*section 25*"

Page 25, after line 30, insert:

"Sec. 43. Minnesota Statutes 1976, Section 260.221, is amended to read:

260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.] The juvenile court may, upon petition, terminate all rights of parents to a child in the following cases:

(a) With the written consent of parents who for good cause desire to terminate their parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parents have abandoned the child; or

(2) That the parents have substantially and continuously or repeatedly refused to give the child necessary parental care and protection; or

(3) That, although the parents are financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education, or other care necessary for his physical or mental health or morals or have neglected to pay for such subsistence, education or other care when legal custody is lodged with others; or

(4) That the parents are unfit by reason of debauchery, intoxication or habitual use of narcotic drugs, or repeated lewd and lascivious behavior, or other conduct found by the court to be likely to be detrimental to the physical or mental health or morals of the child; or

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That ~~in the case of an illegitimate child the person appeared at an adoption hearing held pursuant to section 25 but failed to claim custodial rights, or that the person was notified of an adoption hearing pursuant to section 25 and failed to appear at the hearing, or that the person is not entitled to notice of an adoption hearing under section 250.26 and either the person has not filed a notice of his intention to retain parental rights under section 250.261 or that such notice has been successfully challenged 25.~~

Sec. 44. Minnesota Statutes 1976, Section 260.231, Subdivision 3, is amended to read:

Subd. 3. The court shall have notice of the time, place, and purpose of the hearing served on the parents, *as defined in sections 1 to 25*, in the manner provided in sections 260.135 and 260.141, except that personal service shall be made at least ten days before the day of the hearing ~~provided that in the case of an illegitimate child, notice shall be given to the parent of an illegitimate child meeting the requirements of section 250.26, subdivision 1, clause (3)~~. Published notice shall be made for three weeks, the last publication to be at least ten days before the day of the hearing; and notice sent by certified mail shall be mailed at least 20 days before the day of the hearing. A parent who consents to the termination of parental rights under the provisions of section 260.221, clause (a), may waive in writing the notice required by this subdivision; however, if the parent is a minor or incompetent his waiver shall be effective only if his guardian ad litem concurs in writing."

Page 26, lines 12 and 20, strike "*the uniform parentage act*" and insert "*sections 1 to 25*"

Page 26, line 26, strike "257.33;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after "Sections" insert "62A.041; 62C.14, Subdivision 5a; 64A.22, Subdivision 1;"

Page 1, line 10, after "2;" insert "144.175, Subdivision 2;"

Page 1, line 11, after "257.28;" insert "257.33;"

Page 1, line 13, after "2;" insert "260.221; 260.231, Subdivision 3;"

Page 1, line 18, strike "257.33;"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 417: A bill for an act relating to highway traffic regulations; accidents; requiring certain information to be given; amending Minnesota Statutes 1976, Section 169.09, Subdivision 3.

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

Page 1, line 10, before "The" insert "(a)"

Page 1, line 22, strike "If not"

Page 1, after line 22 insert "(b) If not"

Page 2, line 2, after "give" insert "upon request"

Page 2, line 2, strike the first "the" and insert "any"

Page 2, line 2, strike "struck, or the" and insert "involved in the accident"

Page 2, strike line 3

Page 2, line 4, strike "collided with,"

Page 2, line 6, after the period insert "A driver who fails to provide the information requested pursuant to this clause is guilty of a petty misdemeanor."

Page 2, after line 6 insert

"Sec. 2. Minnesota Statutes 1976, Section 169.09, Subdivision 7, is amended to read:

Subd. 7. [ACCIDENT REPORT TO COMMISSIONER.] The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of \$100 \$300 or more, shall forward a written report of the accident to the commissioner of public safety within ten days thereof. If, in the opinion of the commissioner of public safety, the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient he may require the driver to file supplementary reports.

Sec. 3. Minnesota Statutes 1976, Section 169.09, Subdivision 14, is amended to read:

Subd. 14. [PENALTY.] *Except as provided in Subdivision 3, clause (b), any person failing to comply with any of the requirements of this section, under the circumstances specified, shall be guilty of a misdemeanor.*"

Amend the title as follows:

Page 1, line 4, after the semicolon insert

"raising the amount of property damage required before an accident must be reported to the commissioner of public safety; providing penalties;"

Page 1, line 5, strike "Subdivision 3" and insert "Subdivisions 3, 7, and 14"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 13: A bill for an act relating to jurisdiction over federal lands; permitting acceptance by the state of retrocession of jurisdiction over federal lands by federal agencies; amending Minnesota Statutes 1976, Section 1.043.

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

Page 1, line 11, strike "*Subdivision 1.*"

Page 1, line 20, after "*jurisdiction*" and before the period insert "*pursuant to section 2*"

Page 1, line 20, strike "*Retrocession of jurisdiction shall be*"

Page 1, after line 20, insert:

"Sec. 2. Minnesota Statutes 1976, Chapter 1, is amended by adding a section to read:

[1.043] [RETROCESSION.] *Subdivision 1. Notwithstanding any law to the contrary, all or any part of the jurisdiction acquired by the United States over any land or place in the state pursuant to sections 1.041 or 1.042 or any other statute may be retroceded to the state in the manner provided herein.*

Subd. 2. Retrocession of jurisdiction shall be"

Page 2, line 8, strike "2" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "1.043" and before the period insert "; and Chapter 1, by adding a section"

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

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

S. F. No. 265: A bill for an act relating to highways; providing that towns be reimbursed for repairing and restoring town roads damaged while utilized as a haul road in transporting road building materials used in the construction, reconstruction or maintenance of public highways or city streets.

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

Page 1, line 10, strike "governmental subdivision" and insert "persons"

Page 1, line 12, strike "in the construction, reconstruction or"

Page 1, strike line 13

Page 1, line 14, strike "jurisdiction"

Amend the title as follows:

Page 1, line 5, strike "the"

Page 1, line 6, strike ", reconstruction"

Page 1, line 6, strike "of" and insert a period

Page 1, strike line 7

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

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

S. F. No. 757: A bill for an act relating to transportation; repealing the "Sunday holiday law"; allowing commercial vehicles to operate within 35 miles of cities of the first class on Sundays and legal holidays; repealing Minnesota Statutes 1976, Sections 221.191 and 221.211.

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 530: A bill for an act relating to used motor oil recycling; requiring certain collection facilities or the posting of certain informational lists; requiring registration of used motor oil haulers.

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

Page 1, after line 10, insert:

"Subd. 2. "Motor oil" means petroleum based oil used as a lubricant in a motor vehicle as defined in section 168.011, subdivision 4."

Renumber the subdivisions accordingly.

Page 1, line 11, strike "a petroleum based" and insert "motor"

Page 1, line 15, strike "private or"

Page 1, line 16, strike "public"

Page 1, line 17, strike "industry" and insert "sole proprietorship"

Page 1, line 18, strike the period and bracket at the end of the line and insert a semicolon

Page 1, line 19, strike "Subdivision 1. ["

Page 1, line 20, after "selling" insert "at retail"

Page 1, line 22, strike "list of locations" and insert "notice indicating the nearest location, or a location within 10 miles of the point of sale,"

Page 2, line 2, strike "on the premises" and insert "at the point of sale"

Page 2, line 4, strike "Any list of locations" and insert "The notice of recycling location"

Page 2, line 9, after "available" insert " , unless prohibited by local ordinance"

Page 2, line 9, strike "The tank shall"

Page 2, strike lines 10 through 15

Page 2, after line 15, insert:

"Sec. 3. Any person violating this act shall not thereby be subject to any criminal penalty."

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 4, strike "informational lists; requiring" and insert "notices."

Page 1, strike line 5

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

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

S. F. No. 1: A bill for an act relating to solid waste pollution; requiring beverage containers to have certain refund values after a certain date; providing penalties.

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

Strike everything after the enacting clause and insert:

"Section 1. [116.451] [DEFINITIONS.] Subdivision 1. For purposes of sections 1 to 4, the terms defined in this section have the meanings given them.

Subd. 2. "Beverage container" means an individual, hermetically sealed glass, metal or plastic bottle, can, jar or carton used for the purpose of containing beer, ale, or other malt drink containing one half of one percent or more of alcohol by volume; or mineral waters, soda waters or any other carbonated soft drink in liquid form and intended for human consumption.

Subd. 3. "Bottler" means a person bottling, canning or otherwise filling a beverage container for sale to a distributor or dealer in this state.

Subd. 4. "Dealer" means a person who sells a filled beverage container at retail in this state.

Subd. 5. "Distributor" means a person, including but not limited to a bottler, who sells filled beverage containers to a dealer in this state.

Sec. 2. [116.452] [REFUNDS.] Subdivision 1. [VALUE OF CONTAINERS.] After June 30, 1978, a filled beverage container sold or offered for retail sale in this state shall have a refund value of not less than ten cents.

Subd. 2. [REFUND PAYMENT REQUIRED.] Except as provided in subdivision 3, after June 30, 1978:

(a) A dealer shall accept an empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the dealer, and shall pay to the person returning the beverage container ninety percent of the refund value displayed thereon pursuant to section 3.

(b) A distributor or bottler or a designee of a distributor or bottler shall accept from a dealer an empty beverage container of the kind, size and brand sold by the distributor or bottler, and shall pay the dealer the refund value displayed thereon pursuant to section 3. A distributor or his designee shall pick up any empty beverage container of the kind, size and brand sold by the distributor from a dealer at least once per week, unless the distributor and the dealer mutually agree to the contrary in writing.

Subd. 3. [EXCEPTIONS.] A dealer may refuse to accept, and a distributor, bottler or designee may refuse to accept from a dealer, an empty beverage container that does not visibly display a refund value as required by section 3.

Sec. 3. [116.453] [CONTAINER DESIGN.] After June 30, 1978, a beverage container sold or offered for sale in this state by a bottler, dealer or distributor shall clearly indicate by embossing, by a stamp, by a label or other permanent method of display, the name of this state and the refund value of the container.

Sec. 4. [116.454] [PENALTY.] A violation of section 2 or 3 is a misdemeanor. Each day of violation is a separate offense.

Sec. 5. [EFFECTIVE DATE.] This act is effective on the day following its final enactment."

And when so amended the bill do pass. Mr. Laufenburger ques-

tioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

H. F. No. 54: A bill for an act relating to state government; purchase of products and services from sheltered workshops and work activity programs; setting standards for price determination; amending Minnesota Statutes 1976, Section 16.281, Subdivision 1.

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

Page 1, strike line 14 and insert "*commissioner of vocational rehabilitation*"

Page 1, line 20, after "commissioner" insert "*of administration*"

Page 1, line 21, strike "to be paid"

Page 2, line 2, after "(a)" insert "*open market*"

Page 2, line 3, after "*years*" insert "*for similar products and services*"

Page 2, lines 5 and 6, strike "*cost as estimated by the commissioner of purchasing the same products and services on the open*" and insert "*fair*"

Page 2, line 6, after "*market*" insert "*price*"

Page 2, after line 14, insert:

"Sec. 2. Minnesota Statutes 1976, Section 16.281, Subdivision 3, is amended to read:

Subd. 3. The commissioner of administration shall promulgate rules and regulations necessary to carry out the purposes of this section, including but not limited to rules and regulations providing for a procedure by which the commissioner shall determine product specifications, quality standards and timing of delivery to be complied with by the sheltered workshop and work activity program boards on purchases made under this section. *The list to be prepared pursuant to subdivision 1 shall not be promulgated as a rule.*

Sec. 3. Laws 1975, Chapter 171, Section 2, is amended to read:

Sec. 2. This act is effective July 1, 1975 and shall expire on June 30, 1977."

Page 2, line 16, after "*enactment*" insert "*; provided that until July 1, 1977, the director of community long term sheltered workshop programs shall perform the functions of the commissioner of vocational rehabilitation as provided in section 1*"

Renumber sections accordingly.

Amend the title as follows: Strike it in its entirety and insert "A bill for an act relating to state procurement; extending the

program for procurement from sheltered workshops and work activity programs; permitting purchase price to exceed fair market price; amending Minnesota Statutes 1976, Section 16.281, Subdivisions 1 and 3; and Laws 1975, Chapter 171, Section 2."

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 651: A bill for an act relating to health; developing standards for safe drinking water; providing penalties; defining terms; amending Minnesota Statutes 1976, Section 115.71, Subdivision 7; and 144.12, Subdivision 1.

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

Page 1, line 15, before the period insert "*, or its successor agencies*"

Page 1, line 19, strike "*apartment*" and insert "*living*"

Page 2, line 7, before "*public*" insert "*all*"

Page 2, line 7, strike "*systems*" and insert "*supplies*"

Page 2, line 29, after "*and*" insert "*state*"

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

Page 3, line 6, strike "*found guilty in district court of violating*" and insert "*who violates*"

Page 3, line 7, strike "*failing*" and insert "*fails*"

Page 3, line 8, strike "*failing*" and insert "*fails*"

Page 3, line 10, before the period insert "*, in a civil action brought by the board in district court*"

Page 3, after line 27, insert a section to read:

"Sec. 8. [EXPIRATION.] *The provisions of sections 1 to 7 shall expire 30 days after the conclusion of any fiscal year in which the federal government pays for less than 40 percent of the cost of administering sections 1 to 7.*"

Renumber sections in sequence

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 645: A bill for an act relating to vital statistics; requiring reporting; establishing registration districts; defining terms; providing penalties; repealing Minnesota Statutes 1976, Sections 144.151 to 144.205; 517.071; 517.08, Subdivisions 2 and 3; and 518.001.

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

Page 3, line 10, after "death," insert "fetal death,"

Page 3, line 22, after "others." insert "Except as otherwise provided in sections 1 to 18, rules previously promulgated by the board relating to the collection, filing and registering of vital statistics shall remain in effect until repealed, modified or superseded by a rule promulgated by the board."

Page 4, line 31, after "The" insert "designated"

Page 6, line 23, strike "destroyed" and insert "confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order"

Page 8, line 23, strike "destroyed and" and insert "confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order;"

Page 8, line 23, after "certificate" insert "shall be"

Page 9, line 5, strike "shall destroy"

Page 9, line 5, after "certificate" insert "shall be confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order"

Page 9, line 26, strike "certificate" and insert "certification"

Page 12, line 15, strike "registration" and insert "registered vital record"

Page 12, line 24, after "Except" insert "as"

Page 12, line 25, after "section" insert a comma

Page 12, line 31, strike "such" and insert "the"

Page 12, line 32, strike "such" and insert "the"

Page 13, line 31, strike ". Such fees to be"

Page 13, line 32, strike everything before the semicolon

Page 14, line 1, strike "under the"

Page 14, lines 2 and 3, strike everything before the semicolon

Page 14, line 4, after "(c)" insert "The"

Page 14, line 4, after "filing" insert "of"

Page 14, line 4, strike the comma

Page 14, line 5, strike everything before the semicolon

Page 14, line 7, strike "such" and insert "an"

Page 14, line 9, strike ", such fee to be"

Page 14, line 10, strike "payable at the time of application"

Page 14, line 11, after "(e)" insert "The"

Page 15, line 1, strike "receipts" and insert "receipt"

Page 15, line 9, strike "such"

Page 15, line 16, strike "such" and insert "a"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 897: A bill for an act relating to crime victims reparations; eliminating the minimum claim amount necessary for reparations; raising the amount of reparations paid to claimants suffering economic loss; amending Minnesota Statutes 1976, Sections 299B.03, Subdivision 2; and 299B.04.

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 733: A bill for an act relating to health; licensing certain facilities; amending Minnesota Statutes 1976, Section 144.50.

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

Page 2, line 1, strike "*one of the following purposes*"

Page 2, line 4, after "*services*" insert "*offered 24 hours a day, seven days a week,*"

Page 2, after line 22, insert a new section to read:

"Sec. 2. [EXISTING RULES.] Rules previously promulgated by the State Board of Health relating to the licensure of any institution, place, building or agency, in which any accommodation is maintained, furnished or offered for elective outpatient surgery for preexamined, prediagnosed low risk patients shall apply until repealed, modified or superseded by a rule promulgated in accordance with chapter 15."

Renumber the remaining section

Further amend the title:

Page 1, line 2, after "*facilities;*" insert "*allowing for the reinstatement of previously adopted rules;*"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 514: A bill for an act relating to victims of crime;

directing the commissioner of corrections to establish victim crisis centers; appropriating money.

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

Page 1, line 7, before "VICTIM" insert "CRIME"

Page 1, line 7, after "CENTER.]" insert: "Subdivision 1. For the purposes of this act, "center" means a crime victim crisis center providing services to victims of crime.

Subd. 2."

Page 1, lines 9, 12, 14, 16, 18, strike "victim crisis"

Page 1, line 18, strike ", once"

Strike lines 19 and 20 and insert "shall:"

Page 2, line 4, strike "victim" and insert "victims"

Page 2, line 16, after "occurs" and before the period insert: "; (j) other appropriate services"

Page 2, lines 19, 20, 24, 25, strike "victim crisis"

Page 2, line 24, strike "and" and insert a comma

Page 2, line 25, after "centers" and before the period insert: "and propose alternative means to accomplish the purposes of the act in all areas of the state"

Page 2, line 29, strike "This appropriation"

Page 2, strike lines 30 and 31

Page 3, after line 1, insert: "Sec. 7. [EXPIRATION DATE.] This act shall expire July 1, 1980 unless re-enacted."

Amend the title as follows:

Page 1, line 3, after "establish" insert "crime"

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

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

S. F. No. 410: A bill for an act relating to labor; prohibiting the deduction of certain losses from wages without authorization by the employee; providing a cause of action for wrongful deduction.

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

Page 1, line 16, after the comma insert "voluntarily"

Page 2, line 4, after the period insert "This section shall not apply where a contrary provision in a collective bargaining agreement exists."

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

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

S. F. No. 238: A bill for an act relating to transportation construction contracts; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

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

Page 2, line 7, strike "*a labor*" and insert "*an area of substantial or persistent unemployment by the United States department of labor*"

Page 2, line 8, strike "*surplus area by the United States department of commerce*"

Page 2, line 11, strike "*regulations*"

Page 2, line 22, strike "*may*" and insert "*shall*"

Page 2, line 22, strike "*up to*" and insert "*at least*"

Page 2, line 27, after "*subcontractors.*" strike "*Up to*" and insert:

"*Subd. 3. [AWARDS TO MINORITY SMALL BUSINESSES.] At least*"

Page 2, line 28, after "*awarded*" insert "*, if possible,*"

Page 3, line 1, after the period insert:

"*Any funds subject to this subdivision which are not awarded according to this subdivision shall be awarded to other small businesses as defined in subdivision 1, clause (a).*"

Subd. 4. [AWARDS, LIMITATIONS.]"

Page 3, line 3, strike "*this subdivision*" and insert "*subdivisions 2 and 3*"

Renumber the subdivisions in sequence

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

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

S. F. No. 703: A bill for an act relating to labor; granting public employees paid leaves of absence to engage in world athletic competition.

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

Page 1, line 15, after "*world*" insert "*, Pan American,*"

Page 1, line 18, after "*world*" insert "*, Pan American,*"

Page 1, line 19, after "*pay*" insert "*or other benefits or rights*"

Page 2, line 3, strike "school district" and insert "political subdivision"

Page 2, line 4, strike the first "district" and insert "political subdivision"

Page 2, line 4, strike the second "district" and insert "sub-division"

Amend the title as follows:

Page 1, line 3, strike "world" and insert "international"

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

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

S. F. No. 555: A bill for an act relating to commerce; providing for state procurement from small business; providing a bonding mechanism for small business; amending Minnesota Statutes 1976, Sections 16.082, by adding a subdivision; and 16.083, Subdivision 2.

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

Page 1, line 11, strike "*bonding*" and insert "*bond*"

Page 1, line 11, strike "*method of*" and insert "*bond which designates as principal, guarantor, or both, a person or persons in addition to the person to whom the contract is proposed for award*"

Page 1, strike lines 12 to 18

Page 1, line 19, strike "*the bond is being issued*"

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

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

S. F. No. 376: A bill for an act relating to the city of Minneapolis; selection of supervisor of license inspection for the Minneapolis police department; providing for the establishment of qualifications by the Minneapolis city council; amending Laws 1961, Chapter 108, Section 2, as amended.

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

Page 1, line 13, strike "*Subdivision*"

Page 1, line 14, strike "1"

Page 1, line 14, strike "*, except for the position of supervisor*"

Page 1, line 15, strike "*of license inspection,*"

Page 1, line 17, after the period, insert "*The chief of police in making an appointment to the position of supervisor of license in-*

spection shall appoint someone who has a minimum of four years of investigative experience within the department."

Page 1, strike lines 18 to 23

Page 2, strike lines 1 to 3

Amend the title as follows:

Line 2, after the semicolon, insert "providing for the"

Line 4, strike "providing for the"

Strike line 5

Line 6, strike "city council;"

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 102, 146, 319, 257, 465, 383, 219, 335, 194, 401, 193, 49, 312, 223, 168, 476, 226 and H. F. Nos. 235 and 464, makes the following report:

That S. F. No. 102 be re-referred to the Committee on Taxes and Tax Laws.

That S. F. No. 312 be re-referred to the Committee on Finance.

That S. F. Nos. 226, 146, 319, 257, 465, 383, 219, 335, 194, 401, 193, 49, 223, 168, 476 and H. F. Nos. 235 and 464 be placed at the head of the General Orders Calendar in the order indicated.

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

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

H. F. No. 382 for comparison to its companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
382	271				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 382 be amended as follows:

Page 2, lines 30 and 31, restore the stricken and delete the new language

Page 2, delete line 32, and insert "state, the operator and or passenger, if any if below the age of 18 , shall wear"

Page 3, line 1, delete the new language

Page 3, line 5, restore the comma

Page 3, delete lines 12 to 27

Page 3, line 28, delete "*upon*" and insert "*the day following*"

Renumber the remaining section

Further, amend the title as follows:

Page 1, line 5, delete ", and" and insert a period

Page 1, delete lines 6 and 7

And when so amended, H. F. No. 382 will be identical to S. F. No. 271 and further recommends that H. F. No. 382 be given its second reading and substituted for S. F. No. 271 and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 345, 586, 105, 417, 13, 265, 757, 530, 651, 733, 410, 238, 555 and 376 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. 382 was read the second time.

H. F. No. 54 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Ulland, J. moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 478. The motion prevailed.

Mr. Willet moved that the name of Mr. Moe be added as co-author to S. F. No. 626. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Penny be added as co-author to S. F. No. 793. The motion prevailed.

Mr. Luther moved that the name of Mr. Vega be added as co-author to S. F. No. 842. The motion prevailed.

Mr. Luther moved that the name of Mr. Vega be added as co-author to S. F. No. 848. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Vega be added as co-author to S. F. No. 868. The motion prevailed.

Mr. Kleinbaum moved that the name of Mr. Stumpf be added as co-author to S. F. No. 897. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Vega be added as co-author to S. F. No. 426. The motion prevailed.

Mr. Davies moved that the name of Mr. Sikorski be added as co-author to S. F. No. 804. The motion prevailed.

Mr. Tennesen moved that S. F. No. 448 be withdrawn from

the Committee on Commerce and re-referred to the Committee on Governmental Operations. The motion prevailed.

Mrs. Brataas introduced—

Senate Resolution No. 19: A Senate Resolution congratulating Rochester John Marshall High School on the winning of the State High School Hockey Tournament.

Referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended that a Memorial Service for deceased Senators be made a Special Order of business for immediate consideration. The motion prevailed. So the rules were suspended.

MEMORIAL SERVICE

Pursuant to rules suspension passed under Motions and Resolutions, the Senate proceeded with a Memorial Service for deceased Senators:

The Honorable Grover C. George

The Honorable William C. F. Heuer

The Honorable Clarence Langley

The Honorable John A. Metcalf

The Honorable Clifton Parks

The Honorable Alf Bergerud

A MEMORIAL PRAYER

Offered by Monsignor Ambrose V. Hayden

Senate of the State of Minnesota

March 24, 1977

The poet has told us that "We live in deeds, not years; in thoughts, not breaths. He most lives who thinks most — feels the noblest — acts the best." It is the deeds and thoughts and noble acts of our former colleagues in the august body which we memorialize today. By this heritage which they have bequeathed to us, their spirits continually reach backward to challenge, to enlighten and encourage us who remain to exercise the work of government.

It was their lot, as it is ours, to propose and to legislate for the common good of the people of this great state. In that endeavor they strove to represent fairly the rights of the people and to see that what was guaranteed to the people by the statutes of a representative government would be safeguarded and exercised in their interest.

That challenge often calls for an uncommon dedication from

the one in public office because the demands upon his or her time, resources, and talents are significant.

The Senators here today take courage and inspiration from those noble servants of another time who saw it better to serve than to be served, and to work honestly and diligently for the common good. We acknowledge and thank them for their service.

Grant to them, O Lord, the sleep of the just to all those who have been associated with us in the bonds of this fraternity — that we together with them may be found worthy to be partakers together of your heavenly kingdom.

Feed them in a green pasture, by the waters of comfort, in the paradise of joy.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the memorial prayer be printed in the Journal and that the Secretary of the Senate transmit a formal copy of this memorial prayer to the widows of the deceased Senators or their next of kin. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 267: A bill for an act relating to taxation; defining "common carrier" for certain purposes in connection with the sales and use tax; amending Minnesota Statutes 1976, Section 297A.211, 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	Lessard	Perpich	Spear
Ashbach	Gearty	Luther	Peterson	Staples
Benedict	Gunderson	McCutcheon	Pillsbury	Stokowski
Bernhagen	Hanson	Menning	Purfeerst	Strand
Borden	Humphrey	Merriam	Renneke	Stumpf
Brataas	Jensen	Milton	Schaaf	Tennessee
Chenoweth	Johnson	Moe	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Schrom	Ulland, J.
Coleman	Keefe, S.	Nichols	Setzepfandt	Vega
Davies	Kleinbaum	Ogdahl	Sieloff	Wegener
Dieterich	Knoll	Olhoft	Sikorski	Willet
Dunn	Knutson	Olson	Sillers	
Engler	Laufenburger	Penny	Solon	

So the bill passed and its title was agreed to.

S. F. No. 305: A bill for an act relating to intoxicating liquor; expiration date of municipal licenses; amending Minnesota Statutes 1976, Section 340.11, Subdivision 16.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 147: A bill for an act relating to commerce; limiting deficiency judgments in consumer transactions; restricting waiver of garnishment exemptions; amending Minnesota Statutes 1976, Section 550.37, Subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 33 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knoll	Nelson	Staples
Benedict	Hanson	Lewis	Olhoff	Stokowski
Borden	Humphrey	Luther	Penny	Stumpf
Chmielewski	Johnson	McCutcheon	Perpich	Tennessee
Coleman	Keefe, J.	Merriam	Schaaf	Willet
Davies	Keefe, S.	Milton	Sikorski	
Dieterich	Kleinbaum	Moe	Spear	

Those who voted in the negative were:

Ashbach	Gunderson	Nichols	Renneke	Solon
Bernhagen	Jensen	Ogdahl	Schmitz	Strand
Brataas	Knutson	Olson	Schrom	Ueland, A.
Dunn	Laufenburger	Peterson	Setzpfandt	Ueland, J.
Engler	Lessard	Pillsbury	Sieloff	Vega
Frederick	Menning	Purfeerst	Sillers	Wegener

So the bill failed to pass.

S. F. No. 380: A bill for an act relating to courts; lapse of causes of action arising outside the state; amending Minnesota Statutes 1976, Section 541.14.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 78: A bill for an act relating to public indebtedness; investment of debt service funds; amending Minnesota Statutes 1976, Section 475.66, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 74: A bill for an act relating to agriculture; potato grading; application; repealing Minnesota Statutes 1976, Section 30.101.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Gearty	Keefe, J.	Lessard
Ashbach	Coleman	Gunderson	Keefe, S.	Lewis
Benedict	Davies	Hanson	Kleinbaum	Luther
Bernhagen	Dieterich	Humphrey	Knoll	McCutcheon
Borden	Engler	Jensen	Knutson	Menning
Brataas	Frederick	Johnson	Laufenburger	Merriam

Milton	Penny	Schmitz	Staples	Vega
Moe	Perpich	Schrom	Stokowski	Wegener
Nelson	Peterson	Sieloff	Strand	Willet
Nichols	Pillsbury	Sikorski	Stumpf	
Ogdahl	Purfeerst	Sillers	Tennessee	
Olhoft	Renneke	Solon	Ueland, A.	
Olson	Schaaf	Spear	Ulland, J.	

Mr. Dunn voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 86: A bill for an act relating to real property; registration of title thereto; providing for changes in the persons who may register land and in the contents of the application for registration; permitting the registration of appurtenant easements over unregistered land and establishing procedures for such registration; changing the period during which the application shall constitute notice; changing the period for appeal from a final decree and establishing a period for appeal to the supreme court from an order of the district court made after the original registration of land; providing that money judgments may be filed on certificates of title only when the judgment debtor has a registered interest therein; prescribing fees of the registrar for the assurance fund; amending Minnesota Statutes 1976, Sections 508.03; 508.04; 508.06; 508.11; 508.23; 508.29; 508.63; and 508.74.

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

So the bill passed and its title was agreed to.

S. F. No. 189: A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; amending Minnesota Statutes 1976, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; and 609.615.

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 33 and nays 30, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Laufenburger	Nichols	Strand
Borden	Humphrey	Lewis	Penny	Stumpf
Chmielewski	Johnson	Luther	Perpich	Tennessee
Coleman	Keefe, J.	Merriam	Sikorski	Ulland, J.
Davies	Keefe, S.	Milton	Spear	Willet
Dieterich	Kleinbaum	Moe	Staples	
Gearty	Knoll	Nelson	Stokowski	

Those who voted in the negative were:

Anderson	Frederick	Menning	Purfeerst	Sieloff
Benedict	Gunderson	Ogdahl	Renneke	Sillers
Bernhagen	Jensen	Olhoft	Schaaf	Solon
Brataas	Knutson	Olson	Schmitz	Ueland, A.
Dunn	Lessard	Peterson	Schrom	Vega
Engler	McCutcheon	Pillsbury	Setzepfandt	Wegener

So the bill failed to pass.

S. F. No. 114: A bill for an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 26: A bill for an act relating to game and fish; extending seasons for taking of certain fish; amending Minnesota Statutes 1976, Section 101.41, Subdivisions 2 and 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Lessard	Peterson	Sillers
Ashbach	Frederick	Menning	Pillsbury	Solon
Bernhagen	Gearty	Moe	Purfeerst	Staples
Borden	Hanson	Nelson	Renneke	Stokowski
Brataas	Keefe, J.	Nichols	Schmitz	Ueland, A.
Chmielewski	Kleinbaum	Olson	Schrom	Vega
Coleman	Knoll	Penny	Setzepfandt	Wegener
Davies	Laufenburger	Perpich	Sikorski	

Those who voted in the negative were:

Benedict	Humphrey	Lewis	Olhoff	Stumpf
Chenoweth	Jensen	Luther	Schaaf	Tennessee
Dieterich	Johnson	Merriam	Sieloff	Ulland, J.
Dunn	Keefe, S.	Milton	Spear	Willet
Gunderson	Knutson	Ogdahl	Strand	

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Menning moved that the vote whereby S. F. No. 189 failed to pass the Senate on March 24, 1977, be now reconsidered. The motion prevailed.

Mr. Nichols moved that S. F. No. 189 be stricken from the Calendar and placed on General Orders. The motion prevailed.

RECONSIDERATION

Mr. Laufenburger moved that the vote whereby S. F. No. 147 failed to pass the Senate on March 24, 1977, be now reconsidered. The motion prevailed.

CONSENT CALENDAR

H. F. No. 260: A bill for an act relating to the military; abolishing the naval militia and deleting references thereto; correcting other terminology; amending Minnesota Statutes 1976, Sections 190.05, Subdivision 3; 190.06, Subdivision 2; 191.09; 192.26, Subdivision 1; 193.141, Subdivision 1; 193.142; 193.143; 193.1431; 193.145; and 193.36, Subdivision 1; repealing Minnesota Statutes 1976, Chapter 194.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

H. F. No. 383 which the committee recommends to pass.

S. F. No. 291, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 1, line 9, strike "QUOTAS" and insert "JOB PERFORMANCE"

Amend the title as follows:

Page 1, line 2, strike "certain employer" and insert "termination of employee benefits"

Page 1, line 3, strike "practices"

S. F. No. 22, which the committee recommends to pass with the following amendment offered by Mr. Hanson:

Page 1, line 9, after "county" insert "lying north of the forty-ninth parallel"

Page 1, line 12, strike "identical"

Page 1, line 12, after "population" insert "identical to the population of the Northwest Angle"

Page 1, line 17, after the comma insert "approval of the voters of the Northwest Angle upon submission to them of the question by the county board at the next general election,"

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Keefe, S.; Coleman; Ogdahl; Laufenburger and Nelson introduced—

S. F. No. 960: A bill for an act relating to worker's compensation; including legislators in coverage; requiring owners to elect non-coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for adjustments to benefit payments; amending Minnesota Statutes 1976, Sections 176.011, Subdivisions 9 and 11a; 176.012; 176.021, Subdivision 3; 176.041, Subdivision 1; 176.051; 176.081, Subdivisions 1 and 2; 176.101; 176.111, Subdivisions 11 and 21; 176.132, Subdivision 1; 176.141; 176.215, by adding a subdivision; 176.221, Subdivision 1; 176.511, Subdivision 3; 176.645; and Chapter 176, by

adding a section; repealing Minnesota Statutes 1976, Sections 79.30 and 176.185, Subdivision 8.

Referred to the Committee on Employment.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Monday, March 28, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SEVENTH DAY

St. Paul, Minnesota, Monday, March 28, 1977

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Edward J. Flahavan.

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

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

Messrs. Anderson, Bang, Chenoweth, Coleman, Knoll, Lewis, Nichols, Penny, Schrom and Strand were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 24, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 200.

Sincerely,
Rudy Perpich, Governor

March 24, 1977

The Honorable Martin O. Sabo
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 1977 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 1977	Date Filed 1977
200		5	March 24	March 24
	511	6	March 24	March 24

Sincerely,
Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Willet introduced—

S. F. No. 961: A bill for an act relating to education; state universities; handicapped students; waiving tuition for legally blind students; amending Minnesota Statutes 1976, Section 136.11, Subdivision 1.

Referred to the Committee on Education.

Messrs. Purfeerst; Keefe, S. and Laufenburger introduced—

S. F. No. 962: A bill for an act relating to public employees; designating the number of arbitrators to resolve labor dispute; amending Minnesota Statutes 1976, Section 179.72, Subdivision 6.

Referred to the Committee on Employment.

Mr. Ogdahl introduced—

S. F. No. 963: A bill for an act relating to public safety; modifying requirements of gas containers; amending Minnesota Statutes 1976, Section 299F.40.

Referred to the Committee on Commerce.

Messrs. Tennesen, Laufenburger, Kleinbaum and Mrs. Brataas introduced—

S. F. No. 964: A bill for an act relating to labor relations; providing for the exclusion of certain positions and classes of positions in the classified and unclassified civil service of the executive branch from bargaining units; amending Minnesota Statutes 1976, Section 179.74, Subdivision 4.

Referred to the Committee on Governmental Operations.

Messrs. Moe, Nichols, Mrs. Brataas, Messrs. Pillsbury and Kleinbaum introduced—

S. F. No. 965: A bill for an act relating to taxation; reducing the maximum permissible school district levy for general and special school purposes; amending Minnesota Statutes 1976, Section 275.125, Subdivision 2a.

Referred to the Committee on Education.

Messrs. Humphrey, Lewis and Milton introduced—

S. F. No. 966: A bill for an act relating to education; vocational education; providing programs for certain handicapped and disadvantaged persons; appropriating money.

Referred to the Committee on Education.

Messrs. Davies; Keefe, J. and Strand introduced—

S. F. No. 967: A bill for an act relating to probate; guardianships and conservatorships; providing for resignations and removals of guardians; providing for joinder of sureties in final account hearings; amending Minnesota Statutes 1976, Section 525.582.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, J. and Strand introduced—

S. F. No. 968: A bill for an act relating to probate; decrees of descent; changing the requirements for the notice of hearing on a petition for a decree of descent; amending Minnesota Statutes 1976, Section 525.312.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, J. and Strand introduced—

S. F. No. 969: A bill for an act relating to probate; surety bonds; authorizing court to order accounting by and judgment against surety in proceedings to settle estate; amending Minnesota Statutes 1976, Section 524.3-606.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, J. and Strand introduced—

S. F. No. 970: A bill for an act relating to probate; personal representatives; providing for appointment of successor representatives; amending Minnesota Statutes 1976, Section 524.3-613.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, J. and Strand introduced—

S. F. No. 971: A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, J. and Strand introduced—

S. F. No. 972: A bill for an act relating to probate; personal representatives; protecting certain good faith purchasers dealing with personal representatives; amending Minnesota Statutes 1976, Section 524.3-714.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, J. and Strand introduced—

S. F. No. 973: A bill for an act relating to probate; rules of procedure; providing for probate proceedings to be governed by rules of civil procedure; amending Minnesota Statutes 1976, Chapter 524, by adding a section.

Referred to the Committee on Judiciary.

Mr. Engler introduced—

S. F. No. 974: A bill for an act relating to Independent School District No. 195; authorizing an additional levy for a community recreation program; amending Minnesota Statutes 1976, Section 275.125, Subdivision 8.

Referred to the Committee on Education.

Messrs. Wegener and Olhoft introduced—

S. F. No. 975: A bill for an act relating to counties; authorizing appointment of county administrators without referendum; amending Minnesota Statutes 1976, Section 375A.06, by adding a subdivision.

Referred to the Committee on Local Government.

Mr. Luther introduced—

S. F. No. 976: A bill for an act relating to the environment; solid waste pollution; prohibiting sale of disposable razors; providing a penalty.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olson; Chmielewski; Penny; Ueland, A. and Kleinbaum introduced—

S. F. No. 977: A bill for an act relating to marriage; requiring the clerk of court to furnish certified copies of marriage license; amending Minnesota Statutes 1976, Section 517.08, Subdivision 3; and Chapter 517, by adding a section.

Referred to the Committee on Judiciary.

Mrs. Staples, Messrs. Kirchner, Gearty, Benedict and Luther introduced—

S. F. No. 978: A bill for an act relating to Hennepin county and tax levies and bond issues for the purposes of the county park reserve district; amending Laws 1967, Chapter 721, Section 2, as amended.

Referred to the Committee on Local Government.

Mr. Ueland, A. introduced—

S. F. No. 979: A bill for an act relating to taxation; providing an exemption from the gasoline and special fuels tax for certain municipal transit systems; amending Minnesota Statutes 1976, Sections 296.02 and 296.025, by adding subdivisions.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Milton; Keefe, S.; Coleman; Sikorski and Mrs. Staples introduced—

S. F. No. 980: A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; and 256D.37, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Sieloff introduced—

S. F. No. 981: A bill for an act relating to taxation; altering income calculation and qualifications for being claimant for income-adjusted homestead credit; amending Minnesota Statutes 1976, Sections 290A.03, Subdivisions 3, 7, and 8; and 290A.05.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Schaaf, Merriam and Davies introduced—

S. F. No. 982: A bill for an act relating to taxation; providing

for a minimum standard deduction from gross income; amending Minnesota Statutes 1976, Section 290.09, Subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Engler and Keefe, J. introduced—

S. F. No. 983: A bill for an act relating to taxation; providing for exclusion from estate of one half of the value of joint property held by decedent and spouse; providing for election to create joint tenancies between spouses; amending Minnesota Statutes 1976, Sections 291.01, Subdivision 4; and 292.01, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S. F. No. 984: A bill for an act relating to taxation; exempting certain interest income from gross income for income tax purposes; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S. F. No. 985: A bill for an act relating to taxation; providing an additional deduction for excess interest on debts to buy or retain homesteads; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Engler, Knutson and Hughes introduced—

S. F. No. 986: A bill for an act relating to education; school aids; providing for increased aid and extended levy authority for purposes of community school programs; amending Minnesota Statutes 1976, Sections 124.271, Subdivision 2; and 275.125, Subdivision 8.

Referred to the Committee on Education.

Messrs. Sieloff, Merriam, Bernhagen, Engler and Pillsbury introduced—

S. F. No. 987: A bill for an act relating to taxation; increasing the maximum income-adjusted homestead credit amount for persons over 65 or disabled; amending Minnesota Statutes 1976, Section 290A.04, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Sikorski, Peterson and Engler introduced—

S. F. No. 988: A bill for an act relating to financial institutions; power to make conventional loans and purchase of obligations representing such loans; amending Minnesota Statutes 1976, Section 47.20, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Anderson, Penny, Olson, Dunn and Willet introduced—

S. F. No. 989: A bill for an act relating to agriculture; establishing pilot programs for direct farmers' market facilities, and prescribing the duties of the commissioner of agriculture in relation thereto; providing for research, promotional and informational services relating to direct farmer markets to be furnished by the University of Minnesota, college of agriculture; and appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Menning and Johnson introduced—

S. F. No. 990: A bill for an act relating to game and fish; authorizing two line fishing; amending Minnesota Statutes 1976, Sections 97.40, Subdivision 32; 101.41, Subdivision 2; and 101.42, Subdivision 20.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederick, Knutson, Engler, Chmielewski and Mrs. Brataas introduced—

S. F. No. 991: A bill for an act relating to taxation; allocating the proceeds of the motor vehicle excise tax between the general fund and the highway user tax distribution fund; amending Minnesota Statutes 1976, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederick, Knutson, Engler, Chmielewski and Laufenburger introduced—

S. F. No. 992: A bill for an act relating to public safety; state highway patrol; financing the highway patrol activities from the general fund; appropriating money; amending Minnesota Statutes 1976, Sections 299D.02, Subdivision 1; 299D.03, Subdivisions 2, 4, and 5; 299D.04; 299D.05, Subdivision 3; and Chapter 299D, by adding a section.

Referred to the Committee on Finance.

Mrs. Staples, Messrs. Pillsbury, Benedict, Humphrey and Strand introduced—

S. F. No. 993: A bill for an act relating to retirement; membership of Hennepin county soil and water conservation district employees in the public employees retirement association; amending Minnesota Statutes 1976, Chapter 353, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Dieterich, Luther and Spear introduced—

S. F. No. 994: A bill for an act relating to natural resources; withdrawing state lands located on or near Lake Superior from sale, exchange, or other conveyance which will result in creation of a place for deposit or storing mine waste materials, rocks, or tailings; prohibiting the issuance of certain permits in the same area; amending Minnesota Statutes 1976, Chapter 92, by adding a section; and section 116D.04, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Kleinbaum, Mrs. Brataas, Messrs. Stokowski and Laufenburger introduced—

S. F. No. 995: A bill for an act relating to banking; interest payments on escrow accounts; amending Minnesota Statutes 1976, Section 47.20, Subdivision 8.

Referred to the Committee on Commerce.

Messrs. Olson; Ueland, A.; Purfeerst; Menning and Nichols introduced—

S. F. No. 996: A bill for an act relating to health and welfare; Title XX funds for social services; establishing a formula for allocating Title XX funds to counties.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Tennessen, Mrs. Brataas, Messrs. Spear, Nelson and Hanson introduced—

S. F. No. 997: A bill for an act relating to civil actions; abolishing all civil causes of action for breach of promise to marry, alienation of affections, criminal conversation and seduction; providing penalties.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Perpich, Solon and Mrs. Staples introduced—

S. F. No. 998: A bill for an act relating to welfare; aid to

families with dependent children; changing certain eligibility qualifications; amending Minnesota Statutes 1976, Sections 256.73, Subdivisions 1, 2, 4, and by adding subdivisions; and 256.79.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Tennesen, Johnson, Ashbach and Jensen introduced—

S. F. No. 999: A bill for an act relating to mobile homes; providing for termination of land leases; amending Minnesota Statutes 1976, Section 327.44.

Referred to the Committee on Judiciary.

Messrs. Renneke, Frederick, Olson, Purfeerst and Menning introduced—

S. F. No. 1000: A bill for an act relating to taxation; requiring indication on income tax return of school district in which taxpayer resides; amending Minnesota Statutes 1976, Section 290.39, Subdivision 1.

Referred to the Committee on Education.

Messrs. Renneke, Olson, Purfeerst, Menning and Jensen introduced—

S. F. No. 1001: A bill for an act relating to drainage; clarifying the power of county boards to construct flood control projects under the drainage laws; transferring the administration of judicial ditches to county boards; improving the power of county boards to repair, assess benefits and damages and construct laterals on county ditches; providing for appeal of decisions by a joint county ditch authority; providing a better procedure for abandonment of ditches in urban areas; providing for the termination of activities of conservancy districts; amending Minnesota Statutes 1976, Sections 106.011, Subdivisions 1, 4, 16 and 17; 106.015, Subdivision 5; 106.021, Subdivision 1; 106.031, Subdivision 1; 106.041; 106.091, Subdivision 1; 106.101, Subdivision 1; 106.121, Subdivision 8; 106.131; 106.141, Subdivision 2; 106.161; 106.171, Subdivisions 1 and 2; 106.191, Subdivision 3; 106.211; 106.221, Subdivision 1; 106.231, Subdivision 1; 106.251; 106.281; 106.291; 106.301; 106.321; 106.331; 106.401; 106.431, Subdivision 2; 106.471, Subdivisions 1, 2, 3, 4 and 7; 106.501, Subdivisions 1 and 2; 106.511; 106.521; 106.531; 106.551; 106.561, Subdivisions 1 and 2; 106.601; 106.631, Subdivision 5; 106.651; 106.661; and 112.76; repealing Minnesota Statutes 1976, Sections 106.011, Subdivisions 5, 6, 7, 8 and 9; 106.015, Subdivisions 3 and 4; 106.021, Subdivision 5; 106.231, Subdivision 7; 111.01 to 111.42.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Renneke, Setzepfandt, Schrom, Penny and Purfeerst introduced—

S. F. No. 1002: A bill for an act relating to eminent domain; permitting an alternate means of compensation to landowners whose land is condemned by certain companies, associations or utilities; amending Minnesota Statutes 1976, Chapter 117, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Perpich; Johnson; Ueland, A.; Sillers and Wegener introduced—

S. F. No. 1003: A bill for an act relating to consumer protection; transferring the consumer services section from the department of commerce to the attorney general; amending Minnesota Statutes 1976, Sections 45.15; and 45.16.

Referred to the Committee on Commerce.

Messrs. Lewis; Kirchner; Keefe, S. and McCutcheon introduced—

S. F. No. 1004: A bill for an act relating to metropolitan government; providing for the investment of metropolitan airports commission funds; amending Minnesota Statutes 1976, Section 473.606, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Keefe, S.; Luther; Sikorski; Vega and Ulland J. introduced—

S. F. No. 1005: A bill for an act relating to elections; providing for uniform reporting dates for and disclosure of campaign contributions and expenditures of political committees and candidates; providing for statements of economic interest for candidates and persons elected to public office; providing for registration of voters for all counties; defining certain terms; providing uniform filing date for corporations spending money for certain election purposes; providing exemption from disclosure requirements for certain persons and political committees; providing restrictions on the use of names and pictures of public officials in government publications; prohibiting sample ballots of the same color as official ballots; giving the secretary of state and county auditors certain duties with respect to elections; permitting codes of ethics for counties, cities, and school districts; providing penalties; amending Minnesota Statutes 1976, Sections 210A.01, Subdivisions 1, 3, 5, 6, and 8, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.21; 210A.24; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.34, Subdivision 8; and 290.09, Subdivision 2; and Chapters 123, by adding a section; 210A, by adding sections; 375, by adding a section; and 471, by adding a section; repealing Minnesota Stat-

utes 1976, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; and 210A.33; and Laws 1975, Chapter 342, Section 1.

Referred to the Committee on Elections.

Mr. Keefe, S.; Mrs. Staples; Messrs. Benedict; Strand and Mrs. Brataas introduced—

S. F. No. 1006: A bill for an act relating to political activities; providing for their regulation; revising certain filing and reporting requirements; clarifying language; removing obsolete provisions; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 6, 7, 9, 10, 11, 13, 15 and 18; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12 and 13; 10A.04, Subdivision 1; 10A.07; 10A.09, Subdivision 6; 10A.11, Subdivision 6; 10A.12, Subdivisions 1, 3 and 5; 10A.13; 10A.14, Subdivisions 1 and 2; 10A.15; 10A.16; 10A.17; 10A.20, Subdivisions 3, 4, 5 and 6; 10A.21; 10A.22, Subdivisions 3, 4, 5 and 7; 10A.24; 10A.25; 10A.26; 10A.27, Subdivision 4 and by adding a subdivision; 10A.28; 10A.29; 10A.31, Subdivisions 3a, 7, 10 and by adding a subdivision; 10A.32, Subdivisions 2, 3 and 4; 10A.33; and 210A.44; and Chapter 10A by adding sections.

Referred to the Committee on Elections.

Messrs. Nichols and Strand introduced—

S. F. No. 1007: A bill for an act relating to public health; permitting plastic well casings; amending Minnesota Statutes 1976, Chapter 156A, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Menning, Olhoff and Bernhagen introduced—

S. F. No. 1008: A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; providing for a hearing in the courts to determine if a motion picture is obscene; prescribing penalties.

Referred to the Committee on Judiciary.

Mrs. Brataas, Messrs. Bernhagen, Merriam, Laufenburger and Nelson introduced—

S. F. No. 1009: A bill for an act relating to trials; authorizing electronic transcription of trial proceedings; providing for costs and payment.

Referred to the Committee on Judiciary.

Messrs. Chmielewski, Olson, Schrom, Menning and Jensen introduced—

S. F. No. 1010: A bill for an act relating to public health; permitting the use of the drug laetrile.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Schaaf and Stokowski introduced—

S. F. No. 1011: A bill for an act relating to the city of Columbia Heights fire department relief association; an establishment of paid division and volunteer division of the association and the administration of each division; benefits and contributions; membership of certain fire personnel in the public employees' police and fire fund.

Referred to the Committee on Governmental Operations.

Messrs. Olhoft, Bernhagen, Menning, Mrs. Staples and Mr. Nelson introduced—

S. F. No. 1012: A bill for an act relating to obscenity; prohibiting the dissemination of obscene photographs or other similar visual representations which depict minors involved in scenes of patently offensive sexual conduct; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Knoll, Lewis, Sikorski, Milton and Keefe, J. introduced—

S. F. No. 1013: A bill for an act relating to public welfare; neglected children; defining and providing procedures for termination of parental rights as to neglected children in foster care.

Referred to the Committee on Judiciary. Mr. Perpich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Olhoft, Strand, Davies, Hanson and Sillers introduced—

S. F. No. 1014: A bill for an act relating to courts; providing for uniform conciliation court forms.

Referred to the Committee on Judiciary.

Messrs. Willet, Johnson, Olhoft, Borden and Luther introduced—

S. F. No. 1015: A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Brataas, Messrs. Setzepfandt, Nichols, Merriam and Anderson introduced—

S. F. No. 1016: A bill for an act relating to taxation; providing for a deduction from gross income for amounts paid for post secondary school expenses; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S. F. No. 1017: A bill for an act relating to the town of Bass Brook; authorizing the town board to exercise the powers described in Minnesota Statutes, Section 368.01, and Chapters 412, 429, 474 and 475.

Referred to the Committee on Local Government.

Mr. Gunderson introduced—

S. F. No. 1018: A bill for an act relating to state lands; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Houston county.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sillers introduced—

S. F. No. 1019: A bill for an act relating to the city of Moorhead; authorizing taxes in excess of levy limitations for support of the arts.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Humphrey, Bernhagen, Borden, Merriam and Keefe, J. introduced—

S. F. No. 1020: A bill for an act relating to corporations; requiring domestic corporations to file a biennial report with the secretary of state; requiring the secretary of state to perform certain duties; providing that corporations that fail to file reports are inactive; permitting corporations and others to utilize the names of inactive corporations; establishing filing fees; appropriating money; amending Minnesota Statutes 1976, Chapter 301, by adding a section; Sections 301.02, by adding a subdivision; 301.05, Subdivision 2; and 301.071, Subdivision 2.

Referred to the Committee on Commerce.

Mr. Moe introduced—

S. F. No. 1021: A bill for an act relating to natural resources; recodifying statutes relating to certain conservation areas; abolishing consolidated conservation areas fund; repealing obsolete provisions; appropriating money; amending Minnesota Statutes 1976,

Sections 84A.01; 84A.03; 84A.07; 84A.10; 84A.51, Subdivision 4; 84A.52; 84A.53; 84A.55, Subdivisions 1, 3, 6, 8, 9, 10, 11, and 12; 281.23, Subdivision 8; 282.14; 282.16, Subdivision 1, and by adding subdivisions; 282.19; 282.21; and Laws 1961, Chapter 612, Section 1; repealing Minnesota Statutes 1976, Sections 84A.02; 84A.04; 84A.08; 84A.09; 84A.11; 84A.20 to 84A.23; 84A.26 to 84A.33; 84A.36 to 84A.42; 84A.50; 84A.51, Subdivisions 1, 2, and 3; 84A.54; 84A.55, Subdivision 14; and 282.221 to 282.226.

Referred to the Committee on Finance.

Messrs. Knutson, Engler and Vega introduced—

S. F. No. 1022: A bill for an act relating to the county of Dakota; providing for sheriff's civil service commissioners.

Referred to the Committee on Local Government.

Messrs. Wegener; Ueland, A. and Menning introduced—

S. F. No. 1023: A bill for an act relating to public indebtedness; regulating the sale of securities by municipalities subject to reverse repurchase agreements; providing penalties for misconduct of municipal officers in the execution of agreements; amending Minnesota Statutes 1976, Section 475.51, by adding a subdivision; and Chapter 475, by adding a section.

Referred to the Committee on Local Government.

Mr. Chmielewski introduced—

S. F. No. 1024: A bill for an act relating to highway traffic regulations; prescribing penalties for certain offenses; eliminating the requirement that court records of convictions for petty misdemeanors be forwarded to the department of public safety; and prohibiting the drivers license division from maintaining records of petty misdemeanors; amending Minnesota Statutes 1976, Sections 169.141, Subdivision 2; 169.89, Subdivision 1; 169.95; and 171.12, Subdivision 2.

Referred to the Committee on Judiciary.

Mr. Ueland, A. introduced—

S. F. No. 1025: A bill for an act relating to state lands; authorizing the conveyance of certain state lands in Blue Earth county to the city of Mankato.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sikorski, Coleman, Engler, Solon and Kleinbaum introduced—

S. F. No. 1026: A bill for an act relating to insurance; remov-

ing licensing exemptions for certain insurance adjusters and appraisers; establishing a bill of rights for the processing of certain automobile claims; prohibiting certain practices; amending Minnesota Statutes 1976, Sections 72B.03; and 72B.14; repealing Minnesota Statutes 1976, Section 72B.10.

Referred to the Committee on Commerce.

Messrs. Hughes, Coleman, Moe, Dunn and Anderson introduced—

S. F. No. 1027: A bill for an act relating to the organization and operation of state government; education; changing the membership of the higher education coordinating board; prescribing additional duties for the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.02, Subdivisions 1, 1a, and 2; 136A.04; 136A.05; and 136A.07.

Referred to the Committee on Education.

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. 21, 107, 183 and 250.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1977

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. 76: A bill for an act relating to commerce; extending the effective date of certain provisions of law that require tents and sleeping bags to be flame resistant; amending Laws 1975, Chapter 341, Section 6.

Senate File No. 76 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1977

Mr. Borden moved that S. F. No. 76 be laid on the table. The motion prevailed.

Mr. President:

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

Senate Concurrent Resolution No. 7: A Senate Concurrent Resolution relating to joint rules; providing for joint rules for the Legislature of the State of Minnesota.

Senate Concurrent Resolution No. 7 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 25, 1977

Mr. Borden moved that Senate Concurrent Resolution No. 7 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 57, 166, 439, 531, 231, 261, 562, 586, 621, 229, 262, 301 and 636.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 24, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 188.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 25, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 57: A bill for an act relating to health and safety; licensing and certification of ambulance services; amending Minnesota Statutes 1976, Chapter 144, by adding a section; Sections 144.801; 144.802; 144.803; 144.804; and 144.805.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 146 now on General Orders.

H. F. No. 166: A bill for an act relating to health; licensing certain facilities; allowing for the reinstatement of previously adopted rules; amending Minnesota Statutes 1976, Section 144.50.

Referred to the Committee on Rules and Administration.

H. F. No. 439: A bill for an act relating to agriculture; regulating the use of the name "Minnesota Farmstead Cheese"; amending Minnesota Statutes 1976, Section 28A.08.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 531: A bill for an act relating to banks; permitting banks to take second mortgages in federal disaster areas; amending Minnesota Statutes 1976, Section 48.19, Subdivision 1.

Referred to the Committee on Commerce.

H. F. No. 231: A bill for an act relating to transportation, particular uses of highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

Referred to the Committee on Rules and Administration.

H. F. No. 261: A bill for an act relating to veterans; permitting the commissioner of veterans affairs to act as guardian for minors or incompetents without posting bond; amending Minnesota Statutes 1976, Chapter 196, by adding a section.

Referred to the Committee on General Legislation and Veterans Affairs.

H. F. No. 562: A bill for an act relating to motor vehicles; requiring informational labels on new pickup trucks; providing penalties.

Referred to the Committee on General Legislation and Veterans Affairs. Mr. Tennessen questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

H. F. No. 586: A bill for an act relating to taxation; information contained in tax returns; amending Minnesota Statutes 1976, Sections 290.081; 290.61; and 290A.17.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 621: A bill for an act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; prohibiting brokerage sales of new motor vehicles by motor vehicle brokers; preempting local bonding requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 1, 4, 5, 8, 13, 16, 22, 24 and by adding a subdivision.

Referred to the Committee on Commerce.

H. F. No. 229: A bill for an act providing for withholding of pay to residents for active service as members of the armed forces; amending Minnesota Statutes 1976, Section 290.92, Subdivisions 1 and 16.

Referred to the Committee on Employment.

H. F. No. 262: A bill for an act relating to veterans; commissioner of veterans affairs; changing residency requirements for the commissioner and certain officers and employees of the department of veterans affairs; amending Minnesota Statutes 1976, Sections 196.02, Subdivision 1; and 197.601.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 383 now on General Orders.

H. F. No. 301: A bill for an act relating to veterans; establishing a deadline for entering military service and becoming eligible for veterans preference; redefining the term "veteran" for certain

other purposes; amending Minnesota Statutes 1976, Sections 43.30 and 197.447.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 219 now on General Orders.

H. F. No. 636: A bill for an act memorializing Congress to propose to the states a federal Constitutional Amendment for the direct popular election of the President and Vice President of the United States.

Referred to the Committee on Rules and Administration.

H. F. No. 188: A bill for an act relating to game and fish; defining conviction; increasing the penalty for a conviction related to big game; amending Minnesota Statutes 1976, Sections 97.40, by adding a subdivision; and 98.52, Subdivision 1.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Borden moved that the Committee Reports at the Desk with the exception of the report on S. F. No. 125, be now adopted. The motion prevailed.

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

S. F. No. 667: A bill for an act relating to the city of Minneapolis; authorizing a rehabilitation loan program for small and medium sized commercial buildings; and providing for the issuance and security of limited general obligation and revenue bonds to finance the program.

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

Page 3, line 22, after "private" insert "nonprofit"

Page 4, line 1, after "obligation" insert "bonds"

Page 4, line 2, after "bonds" insert "or obligations"

Page 4, line 5, after "bonds" and before "may" insert "or obligations"

Page 4, line 10, after "bonds" insert "or obligations"

Page 4, line 19, after "obligation" insert "bonds"

Page 4, line 19, after "bonds" insert "or obligations"

Page 4, line 22, after "bonds" insert "or obligations"

Page 4, line 27, after "bonds" insert "or obligations"

Page 4, after line 27, insert:

"Subd. 4. [AUTHORITY.] In the making or purchase of loans or other securities in furtherance of the program authorized by this act, and in the issuance of revenue bonds or other obligations the city of Minneapolis may exercise, or may by ordinance authorize

an existing agency or an agency created by such ordinance to exercise, within the corporate limits of the city, any and all of the same powers as the Minnesota housing finance agency is authorized to exercise under the provisions of Minnesota Statutes, Chapter 462A.

Subd. 5. [ADDITIONAL SECURITY FOR BONDS.] The city council shall not amend the regulations adopted by ordinance and in effect at the time any bonds or obligations authorized by this act are issued, to the detriment of the holder of such bonds or obligations."

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

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

S. F. No. 23: A bill for an act relating to workers' compensation; requiring an employer to furnish certain remodeling for a handicapped employee's residence; amending Minnesota Statutes 1976, Chapter 176, by adding a section.

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

Page 1, strike line 13 and insert "*employee who is permanently disabled because*"

Page 1, line 17, strike "*his handicap*" and insert "*the disability*"

Page 1, line 17, after the period insert "*Any remodeling or alteration shall be furnished only when the Division or Workers' Compensation Court of Appeals determines that the injury is to such a degree that the employee is substantially prevented from functioning within the principal residence.*"

Page 1, line 21, strike "*In no event shall an award under*"

Page 1, strike line 22

Page 1, line 23, strike "*At the option of the employee*" and insert "*Where the alteration or remodeling of the employee's residence is not practicable*"

Page 2, line 1, strike "*used*"

Page 2, line 1, after the first "*new*" insert "*or different*"

Page 2, line 1, after the second "*new*" insert "*or different*"

Page 2, line 2, strike "*his handicap*" and insert "*the disability*"

Page 2, line 4, strike "*a workers*"

Page 2, line 5, strike "*compensation judge*" and insert "*the Division or Workers' Compensation Court of Appeals*"

Page 2, line 6, after "*remodeling*" insert "*of an existing residence or the building or purchase of a new or different residence*"

Page 2, line 7, after "*1.*" insert "*The council for the handicapped shall advise the Division or Workers' Compensation Court of Appeals as provided in section 256.482, subdivision 5, clause (7).*"

Page 2, line 7, strike "*Within one year after an award is made*"

Page 2, lines 8 through 12, strike the new language and insert "*The alteration or remodeling of an existing residence, or the building or purchase of a new home must be done under the supervision of a licensed architect relative to the specific needs to accommodate the handicap.*"

Page 2, after line 12, insert:

"*Subd. 5. An employee is limited to \$30,000 under this section for each personal injury.*

Sec. 2. Minnesota Statutes 1976, Section 256.482, Subdivision 5, is amended to read:

Subd. 5. [DUTIES AND POWERS.] The council shall have the following duties and powers:

(1) To advise the governor, appropriate state agencies, and the public on matters pertaining to public policy and the administration of programs, services and facilities for handicapped persons in Minnesota;

(2) To encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) To serve as a source of information to the public regarding all services to handicapped persons;

(4) To review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) To research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons;

(6) To advise the department of labor and industry and the state board of education on the administration and improvement of the worker's compensation law as the law relates to programs, facilities and personnel providing assistance to injured and handicapped workers ;

(7) *To advise the workers' compensation division of the department of labor and industry and the Workers' Compensation Court of Appeals as to the necessity and extent of any alteration or remodeling of an existing residence or the building or purchase of a new or different residence which is proposed by a licensed architect under section 1."*

Renumber the sections in sequence

Further amend the title as follows:

Page 1, line 4, after "residence;" insert "giving the council for the handicapped additional duties;"

Page 1, line 6, before the period insert "; and Section 256.482, Subdivision 5"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 418: A bill for an act relating to motor vehicles; application for registration or certificate of title; specifying information to be supplied; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

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

Page 1, line 15, strike "*or owners*"

Page 1, line 17, strike "*he or they shall become the owner or owners thereof*" and insert "*ownership of a motor vehicle is acquired*"

Page 1, line 23, strike "*name*" and insert "*names*"

Page 1, line 23, strike "*date*" and insert "*dates*"

Page 1, line 23, strike "*address*" and insert "*addresses*"

Page 1, line 23, strike "*the owner or*" and insert "*all*"

Page 2, line 1, after "*owners*" insert "*thereof who are natural persons, the full names and addresses of all other owners*"

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

Page 2, line 30, strike "*such*" and insert "*the*"

Page 3, line 8, strike "*name*" and insert "*names*"

Page 3, line 8, strike "*date*" and insert "*dates*"

Page 3, line 8, strike "*address*" and insert "*addresses*"

Page 3, line 8, after "*of*" strike "*the*" and insert "*all*"

Page 3, line 9, strike "*owner or*" and insert "*who are natural persons, the full names and addresses of all other*"

Page 3, line 29, strike "*name*" and insert "*names*"

Page 3, line 29, strike "*date*" and insert "*dates*"

Page 3, line 29, strike "*address*" and insert "*addresses*"

Page 3, line 29, strike "*the owner*" and insert "*all*"

Page 3, line 30, strike "*or*" and after "*owners*" insert "*who are natural persons, the full names and addresses of all other owners*"

Amend the title as follows:

Page 1, line 2, strike "*application*" and insert "*requiring information as to all owners in applications*"

Page 1, line 3, strike "*specifying*"

Page 1, line 4, strike "information to be supplied;"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 430: A bill for an act relating to peace officers; vocational-technical school training in compliance with training requirements; amending Minnesota Statutes 1976, Section 626.846, by adding a subdivision.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 626.846, is amended by adding a subdivision to read:

Subd. 3. A peace officer who has satisfactorily completed a law enforcement training program in a post-secondary vocational-technical institute within the state which (1) is approved by the state board of education, (2) consists of 2,000 hours or more of basic police training, and (3) complies with rules with respect to curriculum promulgated by the attorney general, shall be exempt from the educational requirements of this section, provided the peace officer successfully completes one year of employment as a probationary officer with a single law enforcement agency. Upon written notification to the executive director from the chief supervisor of the law enforcement agency that a peace officer under his supervision has fulfilled the requirements of the subdivision, the executive director shall certify the peace officer pursuant to section 626.845, clause (d). Provided, however, that nothing in this subdivision shall prevent any law enforcement agency from imposing any other educational requirements upon peace officers it supervises or as a condition of employment.

Sec. 2. This act is effective the day following its final enactment."

Amend the title as follows:

Page 1, line 2, after the semicolon insert "permitting"

Page 1, line 3, strike "in" and insert "as"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 783: A bill for an act relating to libraries; requiring distribution of certain state publications to county and regional libraries; amending Minnesota Statutes 1976, Sections 15.051, Subdivision 4; 15.047, Subdivision 2; and 648.39, by adding a subdivision.

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

Page 2, line 13, strike "*and each*" and insert "*or 134.12 except in counties containing cities of the first class.*"

Page 2, strike line 14 and insert "*If a county has not established a county library pursuant to section 375.33 or 134.12, the copies shall be provided to a library designated by the county board.*"

Page 2, line 17, before "Rules" insert "*Copies of*"

Page 2, line 17, strike "and regulations"

Page 2, line 20, strike "*supply*" and insert "*provide*"

Page 2, line 22, after "375.33" insert "*or 134.12*"

Page 2, strike lines 23 and 24 and insert "*, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 375.33 or 134.12, the copies shall be provided to a library designated by the county board.*"

Page 2, line 27, strike "*distribute*" and insert "*provide*"

Page 2, strike lines 31 and 32 and insert "*or 134.12, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 375.33 or 134.12, the copies shall be provided to a library designated by the county board.*"

Sec. 4. *There is appropriated to the commissioner of administration \$ and to the revisor of statutes \$ from the general fund for the biennium ending June 30, 1979 to effectuate the purposes of this act.*"

Amend the title as follows:

Page 1, line 3, strike "and regional"

Page 1, line 4, after the semicolon, insert "appropriating money;"

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

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

S. F. No. 620: A bill for an act relating to sheriffs; salaries, fees and budgets; providing that the salary and budget of the sheriff shall be set by the county board in each county of the state; authorizing costs and reasonable attorney fees on appeal; amending Minnesota Statutes 1976, Section 387.20, Subdivisions 2 and 7; repealing Minnesota Statutes 1976, Section 387.20, Subdivisions 1, 4, and 8.

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

Page 1, after the enacting clause, insert:

"Section 1. Minnesota Statutes 1976, Section 387.20, Subdivision 1, is amended to read:

387.20 [SALARIES; APPEALS.] Subdivision 1. The sheriffs of all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive yearly salaries for all services rendered by them for their respective counties, not less than the following amounts according to the then last preceding federal census:

- (a) In counties with less than 10,000 inhabitants, \$6,000;
- (b) In counties with 10,000 but less than 20,000 inhabitants, \$6,500;
- (c) In counties with 20,000 but less than 30,000 inhabitants, \$7,000;
- (d) In counties with 30,000 but less than 40,000 inhabitants, \$7,500;
- (e) In counties with 40,000 or more inhabitants, \$8,000.

In addition to such salary each sheriff shall be reimbursed for all expenses incurred by him in the performance of his official duties for his county and his claim for such expenses shall be prepared, allowed, and paid in the same manner as other claims against counties are prepared, allowed, and paid except that the expenses incurred by such sheriffs in the performance of service required of them in connection with insane persons either by a probate court or by law and a per diem for deputies and assistants necessarily required under such performance of such services shall be allowed and paid as provided by the law regulating the apprehension, examination, and commitment of insane persons; provided that any sheriff or deputy receiving an annual salary shall pay over any per diem received by him to the county in the manner and at the time prescribed by the county board, but not less often than once each month.

All claims for livery hire shall state the purpose for which such livery was used and have attached thereto a receipt for the amount paid for such livery signed by the person of whom it was hired and if the sheriff uses his own team or automobile he shall be allowed therefor the same amount which would be charged reasonably by any other person for the use of such team or automobile under the same circumstances."

Page 3, line 10, strike "*Subdivisions 1, 4 and*" and insert "*Subdivision*"

Page 3, line 10, strike "*are*" and insert "*is*"

Renumber sections in sequence

Amend the title as follows:

Page 1, line 8, after "*Subdivisions*" insert "*1,*"

Line 9, strike "*Subdivisions 1, 4, and*" and insert "*Subdivision*"

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

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

S. F. No. 393: A bill for an act relating to interim claims against the state; appropriating moneys for the payment thereof.

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

Page 3, after line 12 insert:

"Sec. 4. Subdivision 1. There is appropriated from the general fund in the state treasury the sums of money set forth in this section to the persons named therein in full payment of claims against the state for adjusted compensation arising from World War II and Korean conflict service.

Subd. 2. [WORLD WAR II SERVICES.] Robert S. Hudson, 1269 McLean Avenue, Saint Paul, Minnesota, 55106 \$345

Howard D. Hall, 630 Cedar Avenue So., Apt. 807, Minneapolis, Minnesota, 55416.....\$315

Max F. Woodfall, 1810 So. Washington, Minneapolis, Minnesota, 55454 \$400

Subd. 3.[KOREAN CONFLICT.] Roxanne R. Bergquist, Beneficiary of Robert W. Clark, 1211 Willow Drive, Olathe, Kansas, 66061..... \$120

James C. Birch, Beneficiary of Elden M. Fraetis, 4085 Foss Road, Saint Paul, Minnesota, 55112..... \$191.25

Joyce M. Nelson, Beneficiary of Elden M. Fraetis, 395 Hall Avenue, Apt #2, Saint Paul, Minnesota, 55107..... \$191.25

Rex R. Gilman, 630 Pine Street, Room 209, Klamath Falls, Oregon, 97601.....\$ 82.50

Darold H. Hoefker, 131 West George, Saint Paul, Minnesota, 55107 \$165

Stanislaus L. Huber, 7596 Macomb Street, Grosseile, Michigan, 48138 \$165

Richard M. Oren, P.O. Box 284, Lake Hubert, Minnesota, 56459\$ 82.50

Ross W. Erdman, 1954 South Stern Avenue, Tucson, Arizona, 85711 \$200 "

Renumber the sections

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

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

S. F. No. 157: A bill for an act relating to elections; providing for payment of costs of certain special elections; imposing duties

on the secretary of state; amending Minnesota Statutes 1976, Section 204A.24.

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

Page 1, lines 14 and 15, strike "out of moneys not otherwise appropriated"

Page 2, after line 14, insert:

"Sec. 2. The sums set forth in this section are appropriated from the general fund to the secretary of state for reimbursement of special election costs as provided in this act, to be available for the fiscal year ending June 30 in the years indicated.

1977	1978	1979
\$115,044	\$10,000	\$10,000

If the appropriation for any of these years is insufficient, the appropriations for the other years are available for it."

Re-number the remaining section

Page 2, line 15, after "effective" insert "upon final enactment. Money appropriated by this act may be used to pay costs incurred on or after"

Amend the title in line 4, after "state;" insert "appropriating money;"

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

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

S. F. No. 20: A bill for an act relating to highways; requiring reimbursement of fire fighting and protection expenses in certain instances.

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

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

S. F. No. 817: A bill for an act relating to taxation; providing for revocation of motor carrier licenses for failure to file road tax reports; providing credit for tax paid on gasoline or fuel used in other states; amending Minnesota Statutes 1976, Section 296.17, Subdivisions 3, 11, and 12; and Chapter 296, by adding a section; repealing Minnesota Statutes 1976, Section 296.18, Subdivision 1a.

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

Page 1, line 22, strike "shall" and insert "may"

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

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

S. F. No. 705: A bill for an act relating to taxation; information contained in income tax returns; amending Minnesota Statutes 1976, Sections 290.081; and 290.61.

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

Page 4, line 19, strike "commission" and insert "commissioner"

Page 4, line 27, strike "and except"

Page 4, line 28, strike "as provided in section 290.361"

Page 5, line 18, after the period insert:

"Upon request of a majority of the members of the senate tax committee and a majority of the members of the house tax committee, the commissioner may furnish abstracted financial information to those committees for research purposes from returns or reports filed pursuant to this chapter, provided that he shall not disclose the name, address, social security number, business identification number or any other item of information associated with any return or report, which the commissioner believes is likely to identify the taxpayer."

Page 5, after line 20, insert:

"Sec. 3. Minnesota Statutes 1976, Section 290A.17, is amended to read:

290A.17 [PUBLICITY OF CLAIMS.] ~~It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known any particulars disclosed in any claim filed pursuant to sections 290A.01 to 290A.21. The provisions of section 290.61 relating to the confidential nature of income tax returns shall also be applicable to claims thus filed pursuant to the provisions of chapter 290A .~~

Nothing herein shall be construed to prohibit the commissioner from making public the *publishing or releasing* information concerning amounts of property tax accrued and the relief granted to taxpayers without including information which would identify individual taxpayers. The commissioner may examine income tax returns as he deems necessary and may utilize the information in legal and administrative proceedings to insure proper administration of sections 290A.01 to 290A.21, notwithstanding section 290.61."

Renumber the remaining section.

Further amend the title as follows:

Line 2, after the semicolon insert "providing for certain disclosures of"

Line 3, delete "income"

Line 4, delete "and" and after "290.61" insert "; and 290A.17"

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

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

S. F. No. 769: A bill for an act relating to the town of White and the city of Aurora; providing for their separation.

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

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

S. F. No. 569: A bill for an act relating to Norman county; validating certain funds transfers.

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

Page 1, line 8, strike "or after the effective date of" and insert "1977"

Page 1, line 9, strike "this act"

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

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

S. F. No. 246: A bill for an act relating to the city of Minneapolis and Hennepin county; providing for representation for the Minneapolis city council on the municipal building commission; amending Laws 1903, Chapter 247, Section 1.

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

Page 1, line 18, strike "the auditor of Hennepin county." and insert "*a person appointed by the board of county commissioners of Hennepin county, who shall serve at its pleasure.*"

Page 2, line 1, strike "auditor of Hennepin county" and insert "*person appointed by the board of county commissioners of Hennepin county*"

Page 2, line 4, strike "shall be the treasurer of such commission and"

Page 2, line 5, strike "as such"

Page 2, line 5, strike "its" and insert "*the*"

Page 2, line 6, after "expenditures" insert "*of the commission*"

Page 2, line 6, after the period insert "*The commission shall by resolution establish regular meeting dates.*"

Amend the title as follows:

Line 3, after "the" insert "board of county commissioners of Hennepin county and the"

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

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

S. F. No. 640: A bill for an act relating to the county of Hennepin; permitting longer duration contracts for goods and services entered into by the county of Hennepin; amending Laws 1969, Chapter 476, Section 1.

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

Page 1, line 22, strike "*final enactment*" and insert "*approval of the Hennepin county board of commissioners and compliance with Minnesota Statutes, Section 645.021.*"

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

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

S. F. No. 655: A bill for an act relating to appropriations; providing funding for the continued operation of detached worker programs for assistance to young people.

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

Page 1, line 10, after "\$" insert "59,600"

Page 1, line 15, after "\$" insert "6,500"

Page 1, line 16, strike "\$38,063" and insert "\$38,000"

Page 1, line 17, strike "northeastern" and insert "northwestern"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 587: A bill for an act relating to courts; criminal defendants; providing authority to county courts to order examination of a defendant's mental capacity; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 30.

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 466: A bill for an act relating to post conviction remedy; authorizing the court to determine whether a petitioner must

be present at a post conviction hearing; amending Minnesota Statutes 1976, Section 590.04, Subdivision 3.

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

Page 1, line 11, strike "If"

Page 1, line 11, strike "determines that the issues"

Page 1, line 12, strike "present only questions of law, it"

Page 1, line 13, strike "; in all other cases it"

Page 1, line 14, strike the new language

Page 1, line 14, strike "order the petitioner to be present at the hearing"

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

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

S. F. No. 816: A bill for an act relating to taxation; exempting the department of revenue from administrative procedure act requirements; authorizing the commissioner of revenue to enter into administrative agreements with the secretary of the treasury; changing requirements for orders of the commissioner; allowing commissioner to dismiss certain confiscation procedures; providing penalties for cigarette tax violations; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 270.06; 270.10, Subdivision 1; 297.08, Subdivision 4; 297.12, Subdivision 1, and by adding a subdivision.

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

Page 1, strike lines 17 through 27

Page 2, strike lines 1 through 6 and insert:

"Section 1. Minnesota Statutes 1976, Section 291.09, Subdivision 1, is amended to read:

291.09 [DETERMINATION OF TAX.] Subdivision 1. (a) Every personal representative shall submit to the commissioner a copy of the inventory and appraisal prepared by him in accordance with sections 524.3-706 to 524.3-708 relating to the inventory and appraisal, and a true and complete schedule of non-probate assets, on a form prescribed by the commissioner, *and copies of such other documents as the commissioner shall request, within 30 days of receipt of the inheritance tax return, for the proper valuation of assets and the determination of the amount of the tax which may be due.*

(b) Every personal representative shall file with the commissioner, on a form prescribed by the commissioner, an inheritance tax return showing the values contained in the inventory and appraisal and schedule of non-probate assets and deductions and exemptions claimed by the representative, and containing a com-

putation of the inheritance tax due under the provisions of this chapter.

(c) Except as hereinafter provided, such inheritance tax return shall be conclusive as to the valuation of both probate and non-probate assets, to all other matters relating to the taxability of probate assets, and to the computation of the tax, unless, within 90 days after such filing, the commissioner, or any other person from whom any portion of such tax is due, has filed with the personal representative (and with the commissioner if the person objecting is one other than a personal representative) written objections ~~to any matter~~ *indicating the items to which the commissioner or any other person specifically objects with respect to the determination of the tax, and detailing the rights available to the personal representative under chapter 15. For purposes of this clause, the inheritance tax return shall not be considered as having been filed until the documents required in clause (a) above and elsewhere in this chapter have been received by the commissioner* . Except as provided in clause (f) of this subdivision, upon objection the commissioner shall fix the time and place of a hearing thereon no earlier than ten days and no later than 30 days after the date of the filing of the objection *unless the personal representative shall elect to postpone or waive his rights as specified under chapter 15* . At such hearing the commissioner shall consider all available material presented by the personal representative for the purpose of substantiating or verifying the matters subject to the objections. Not later than 30 days after ~~such hearing~~ *the commissioner receives the report and recommendation of the hearing examiner or the written waiver by the personal representative* , the commissioner shall issue an order indicating the adjustment, if any, of the computation of the inheritance tax due.

(d) If the court upon a hearing on a personal representative's account allows a deduction different in amount than that used in the determination of the inheritance tax return as provided in the preceding subparagraph (b), or if the court determines:

(i) such property passes to a person or persons other than the person or persons reported on the inheritance tax return; or

(ii) such property passes to the person or persons reported on the inheritance tax return in amounts or shares different than those reported thereon; or

(iii) the relationship between the decedent and any person to whom property passes is other than the relationship reported on the inheritance tax return,

the commissioner not later than 90 days after receipt of a copy of the court's order or decree may issue an order adjusting the computation of the inheritance tax due in accordance therewith.

(e) The court may waive the filing of any inheritance tax return required by subparagraph (b) where it appears that no inheritance tax is due, but such waiver shall not limit the right of the commissioner to file a return pursuant to subdivision 3 hereof.

(f) If objections have been filed as provided in clause (c) of this subdivision, the personal representative or any other objector, in lieu of the hearing prescribed in clause (c) or subsequent to the hearing, may elect to have a formal proceeding under chapter 524 to determine the disputed matters.

(g) Any determination made by the commissioner may be appealed to the Minnesota tax court of appeals as provided in section 271.09.

Sec. 2. Minnesota Statutes 1976, Section 291.09, Subdivision 2, is amended to read:

Subd. 2. (a) When no representative has been appointed by the probate court, every person from whom a tax is due under the provisions of this chapter shall file with the commissioner, on forms prescribed by the commissioner, a schedule of non-probate assets listing the transfers on account of which such tax is due and an inheritance tax return showing the values contained in such schedule and all claimed deductions and exemptions and containing a computation of such tax.

(b) When no representative has been appointed by the probate court, and in cases where a representative has been appointed, as to matters reflected in the inheritance tax return which are not to be determined as prescribed in subdivision 1, subparagraph (c) hereof, the tax as computed on the return shall be the inheritance tax imposed by this chapter upon the transfers reported therein unless within 90 days after such filing, the commissioner or any other person from whom any portion of such tax is due mails a written notice to the commissioner, to the person so filing such return, and to each person from whom any part of such tax is due, ~~objecting to such matters~~ *indicating the items to which the commissioner or any other person specifically objects and detailing the rights available to the taxpayer or personal representative under chapter 15 and fixing the time and place of a hearing thereon at least 30 days subsequent to the date of such notice unless the taxpayer or personal representative shall have elected in writing to postpone or waive his rights as specified under chapter 15*. At such hearing the commissioner shall hear such objections, and within 30 days after ~~each hearing~~ *receiving the report and recommendation of the hearing examiner or the waiver by the taxpayer or personal representative*, shall make his order determining the inheritance tax imposed by this chapter.

(c) The filing of an inheritance tax return shall not be required under the preceding subparagraph (a) where the transfers resulting in the tax were included in a schedule of non-probate assets and an inheritance tax return previously filed with the commissioner.

(d) *For purposes of clause (b) the inheritance tax return shall not be considered as having been filed until copies of all documents as the commissioner shall request, within 30 days of receipt of the inheritance tax return, for the proper valuation*

of assets and determination of the amount of the tax which may be due have been received by the commissioner.

Sec. 3. Minnesota Statutes 1976, Section 273.1104, is amended to read:

273.1104 [IRON ORE, VALUE.] *Subdivision 1.* The term value as applied to iron ore in section 273.13, subdivision 2 and in section 273.15 shall be deemed to be three times the present value of future income notwithstanding the provisions of section 273.11. The present value of future income shall be determined by the commissioner of revenue in accordance with professionally recognized mineral valuation practice and procedure. Nothing contained herein shall be construed as requiring any change in the method of determining present value of iron ore utilized by the commissioner prior to the enactment hereof or as limiting any remedy presently available to the taxpayer in connection with the commissioner's determination of present value, or precluding the commissioner from making subsequent changes in the present worth formula.

Subd. 2. On or before October 1 in each year, the commissioner shall send to each person subject to the tax on unmined iron ores and to each taxing district affected, a notice of the assessed valuation of the unmined ores as determined by the commissioner. Said notice shall be sent by mail directed to such person at the address given in the report filed by him and the assessor of such taxing district, but the validity of the tax shall not be affected by the failure of the commissioner of revenue to mail such notice or the failure of the person subject to the tax to receive it.

On the first secular day following the tenth day of October, the commissioner of revenue shall hold a hearing at his office in St. Paul which may be adjourned from day to day. All evidence commonly accepted by reasonable men in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be a "contested case" within the meaning of section 15.0411, subdivision 4. Every person subject to such tax may at such hearing present evidence and argument on any matter bearing upon the validity or correctness of the tax determined to be due from him, and the commissioner of revenue shall review his determination of such tax.

Sec. 4. Minnesota Statutes 1976, Section 298.09, Subdivision 2, is amended to read:

Subd. 2. On the first secular day following the fourteenth day of May, the commissioner of revenue shall hold a hearing at his office in St. Paul which may be adjourned from day to day. All evidence commonly accepted by reasonable men in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be a "contested case" within the meaning of section 15.0411, subdivision 4. Every person subject to such tax may at such hearing present evidence and argument on any matter bearing upon the validity or correctness of the tax determined

to be due from him, and the commissioner of revenue shall review his determination of such tax."

Page 9, strike lines 11 to 13 and insert "*sentenced as follows:*

(1) *If over 20,000 cigarettes are involved, to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both;*

(2) *If less than 20,000 cigarettes are involved, to punishment as a misdemeanor."*

Page 9, after line 13, insert:

"Sec. 10. Minnesota Statutes 1976, Chapter 270, is amended by adding a section to read:

[270.60] [AGREEMENTS WITH INDIANS.] *Subdivision 1. [PURPOSE.] In order to implement the United States Supreme Court decision in the case of Bryan v. County of Itasca, 96 S. Ct. 2102, regarding the jurisdiction of the state of Minnesota to impose taxes on the Indian residents of reservations in Minnesota, the legislature hereby empowers the commissioner of revenue to enter into the following agreements with the governing bodies of the Indian reservations:*

(a) *Tax Collection Agreements. The commissioner is authorized to enter into tax collection agreements with the governing body of any Sioux or Chippewa reservation in Minnesota. These agreements may provide for the collection by the department of revenue of any tribally imposed sales or excise tax if imposed at the same rate as comparable state taxes and for the retention by the department of an agreed upon percentage of the gross revenue as an administrative fee.*

(b) *Tax Refund Agreements. The commissioner is authorized to enter into a tax refund agreement with the governing body of any Sioux or Chippewa reservation in Minnesota in lieu of a tax collection agreement. The agreement may provide for a refund to the governing body of any sales or excise tax paid by the Indian residents of a reservation into the state treasury after June 14, 1976, notwithstanding any other law which limits the refundment of taxes.*

Subd. 2. [PERCENTAGE OF STATE AND TRIBAL TAX PROCEEDS REMITTED TO TRIBE.] A tax collection or refund agreement between the commissioner and an Indian tribe may provide, if agreed upon by the parties, that an amount determined by a mutually agreed upon formula shall be remitted to the governing body in lieu of the exact amount of the revenue collected.

Sec. 11. [APPROPRIATION.] *There is annually appropriated from the general fund to the commissioner of revenue the amounts necessary to make the distributions provided in this act."*

Renumber the sections in sequence.

Further amend the title as follows:

Page 1, line 3, after "from" insert "certain"

Page 1, line 4, before the semicolon insert "in certain inheritance, iron ore, and occupation tax proceedings"

Page 1, line 6, before the semicolon insert "and the governing bodies of certain Indian reservations"

Page 1, line 10, after the semicolon insert "appropriating money;"

Page 1, line 11, after "Sections" strike "15.0411, Subdivision 2;"

Page 1, line 12, after "1," insert "273.1104; 291.09, Subdivisions 1 and 2;"

Page 1, line 14, after "subdivision" insert "; 298.09, Subdivision 2; and Chapter 270, by adding a section"

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

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

S. F. No. 32: A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

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

Page 4, line 11, after the comma insert *(g) criteria for priority designation areas in an approved diseased control program,*"

Page 4, line 11, strike "g" and insert "h"

Page 6, line 9, strike "\$40" and insert "\$50"

Page 6, line 12, strike "one half"

Page 6, line 12, after "removed" insert "on public property"

Page 6, line 16, strike "one half"

Page 6, line 16, after "removed" insert "on public property"

Page 6, line 17, strike "and shall not exceed the lesser of"

Page 6, strike line 18

Page 6, line 19, strike "trees planted pursuant to the reforestation program"

Page 12, line 2, after "1977" insert ", and terminating with the levy made in 1977, payable in 1978"

Page 13, line 13, strike "321,023" and insert "247,418"

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

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

S. F. No. 125: A bill for an act relating to commerce; prohibiting discriminatory trade practices; providing a penalty; amending Minnesota Statutes 1976, Sections 325.8013; and 325.8018, Subdivision 2.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 325, is amended by adding a section to read:

[325.80155] [DISCRIMINATORY ACTS.] *Subdivision 1. Without limiting section 325.8013, the following, when performed by a person within the jurisdiction of this state, and affecting business in this state, shall be deemed to restrain trade or commerce unreasonably and are unlawful:*

(1) *Requiring any person to be excluded from a business transaction on the basis of that person's sex, race, color, religion, ancestry or national origin or on the basis that the person conducts or has conducted business with persons of a particular race, sex, color, religion, ancestry or national origin, or on the basis that the person has done business in a particular country.*

(2) *Giving, as part of any business transaction, any statement, certification or other document to the effect that the giver of the statement, certification or other document has complied with a policy imposed by any person, nation, or international organization requiring exclusion from any business transaction, or discrimination against, any person on the basis of his race, sex, color, religion, ancestry or national origin or on the basis that the person conducts or has conducted business with persons of a particular race, sex, color, religion, ancestry or national origin, or on the basis that the person has done business in a particular country.*

(3) *Granting, accepting or processing any letter of credit or other document which evidences the transfer of funds or credit, or entering into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provision which requires any person to discriminate against or to certify that he has not dealt with any other person on the basis of race, sex, color, religion, ancestry or national origin, or on the basis that the person conducts or has conducted business with persons of a particular race, sex, color, religion, ancestry or national origin, or on the basis that the person has done business in a particular country.*

(4) *Refusing to grant, accept or process any letter of credit, or other document which evidences the transfer of funds or credit, or refusal to enter into any contract for the exchange of goods or services, on the grounds that it does not contain provisions or certifications described in clause (3) of this subdivision.*

(5) *As part of any business transaction, complying, or agree-*

ing to comply, or certifying or giving other assurance that he complies or agrees to comply, with a policy imposed by another party requiring discrimination against, or refusal to deal with, any person, group of persons, or list of persons, on the basis of race, sex, color, religion, ancestry or national origin or on the basis that the person, group of persons or list of persons conducts or has conducted business with persons of a particular race, sex, color, religion, ancestry or national origin, or on the basis that the person has done business in a particular country.

(6) Providing, agreeing to provide, or requiring another party to provide or agree to provide an assurance that the goods shipped do not have their origin in any particular foreign country.

Provided, however, that the provisions of this section shall not apply to (a) any letter of credit, contract, or other document which contains any provisions pertaining to a labor dispute or an unfair labor practice if the other provisions of such letter of credit, contract, or other document do not violate the provisions of this section; (b) the requiring of association with a particular employer or a particular group as a requisite to obtaining group rates or discount on insurance, recreational activities, or other similar benefits; (c) any act which is an unfair discriminatory practice under section 363.01, subdivision 9 and for which a remedy is provided under chapter 363; (d) persons exempted or acts excepted from the provisions of chapter 363 pursuant to section 363.02.

The exemption contained in section 325.8017, subdivision 2 shall not apply to actions made unlawful under this subdivision. Provided, however, that the provisions of this subdivision shall not apply to any action made lawful by legislation of the United States of America or executive order of the President of the United States of America which affirmatively preempts the provisions of this section.

Subd. 2. Any agreement containing a written or verbal term providing that one or more parties to the agreement will violate the previous subdivision 1 is null and void, and no party to such an agreement may recover in an action for goods or money due by reason of such an agreement or by reason of money paid or goods shipped pursuant to such an agreement.

Sec. 2. Minnesota Statutes 1976, Section 325.8018, Subdivision 2, is amended to read:

Subd. 2. Any person who is found to have willfully committed any of the acts enumerated in section 325.8015 or section 1 of this act shall be guilty of a felony and subject to a fine of not more than \$50,000 or imprisonment in the state penitentiary for not more than five years, or both.

Sec. 3. This act is effective July 1, 1977."

Further, amend the title as follows:

Page 1, line 4, strike "Sections 325.8013; and" and insert "Section"

Page 1, line 5, after "2" insert "; and Chapter 325, by adding a section"

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

APPOINTMENTS

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

H. F. No. 38, pursuant to the request of the House:

Messrs. Sikorski, Ogdahl and Davies.

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 145, 108, 213, 292, 606, 57, 18, 217, 270, 141, 478 and H. F. No. 291, makes the following report:

That S. F. No. 606 be re-referred to the Committee on Taxes and Tax Laws.

That S. F. Nos. 145, 108, 213, 292, 57, 18, 217, 270, 141, 478 and H. F. No. 291 be placed on the General Orders Calendar.

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

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

H. F. No. 168 for comparison to its companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
168	168				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 168 be amended as follows:

Page 1, line 9, after "may" insert "continue to"

Page 1, line 10, delete "outside its economic"

Page 1, delete line 11, and insert "at Marshall and continue to be eligible for assistance pursuant to section 245.63."

And when so amended, H. F. No. 168 will be identical to S. F. No. 168 and further recommends that H. F. No. 168 be given its second reading and substituted for S. F. No. 168 and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. No. 587 was read the second time.

S. F. Nos. 667, 23, 430, 620, 393, 157, 20, 817, 705, 769, 569, 246, 640, 466, 816 and 32 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. 168 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Sikorski moved that S. F. No. 426 be withdrawn from the Committee on General Legislation and Veterans Affairs and referred to the Committee on Judiciary. The motion prevailed.

Mr. Willet moved that the name of Mr. Gearty be stricken and the name of Mr. Johnson be added as co-author to S. F. No. 158. The motion prevailed.

Mr. Olhofft moved that his name be stricken as chief author and the name of Mr. Schaaf be added as chief author to S. F. No. 176. The motion prevailed.

Mr. Merriam moved that the name of Mr. Keefe, S. be added as co-author to S. F. No. 291. The motion prevailed.

Mr. Johnson moved that the name of Mr. Lessard be added as co-author to S. F. No. 755. The motion prevailed.

Mr. Milton moved that the name of Mr. Vega be added as co-author to S. F. No. 899. The motion prevailed.

Mr. McCutcheon moved that the name of Mr. Nelson be added as co-author to S. F. No. 911. The motion prevailed.

Mr. Humphrey moved that the name of Mrs. Staples be added as co-author to S. F. No. 933. The motion prevailed.

Mr. Nichols moved that the name of Mr. Strand be added as co-author to S. F. No. 952. The motion prevailed.

Mr. Nichols moved that the name of Mr. Strand be added as co-author to S. F. No. 955. The motion prevailed.

Mr. Ogdahl moved that the names of Messrs. Laufenburger, Purfeerst, Tennessen and Kirchner be added as co-authors to S. F. No. 963. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 291: A bill for an act relating to labor; prohibiting

termination of employee benefits; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 3, as follows:

Those who voted in the affirmative were:

Benedict	Gunderson	Luther	Purfeerst	Staples
Bernhagen	Hanson	Menning	Renneke	Stokowski
Borden	Hughes	Merriam	Schaaf	Stumpf
Brataas	Humphrey	Milton	Schmitz	Tennessee
Chmielewski	Johnson	Moe	Setzepfandt	Ueland, A.
Davies	Kirchner	Nelson	Sieloff	Ulland, J.
Dieterich	Kleinbaum	Olhoft	Sikorski	Vega
Dunn	Knutson	Olson	Sillers	Wegener
Engler	Laufenburger	Perpich	Solon	Willet
Gearty	Lessard	Peterson	Spear	

Messrs. Frederick, Jensen and Pillsbury voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 22: A bill for an act relating to Lake of the Woods county; authorizing issuance of one off-sale liquor license.

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 2, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Lessard	Purfeerst	Stumpf
Benedict	Gunderson	Luther	Schaaf	Tennessee
Bernhagen	Hanson	Menning	Schmitz	Ueland, A.
Borden	Hughes	Merriam	Setzepfandt	Ulland, J.
Brataas	Humphrey	Milton	Sieloff	Vega
Chmielewski	Jensen	Moe	Sikorski	Wegener
Davies	Johnson	Nelson	Sillers	Willet
Dieterich	Keefe, S.	Olson	Solon	
Dunn	Kleinbaum	Perpich	Spear	
Engler	Knutson	Peterson	Staples	
Frederick	Laufenburger	Pillsbury	Stokowski	

Messrs. Olhoft and Renneke voted in the negative.

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 383: A bill for an act relating to agriculture; potato industry promotion; providing for an increase in the assessment levied; amending Minnesota Statutes 1976, Section 30.469.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S. F. Nos. 226, 319, 401, 193, 49, 476, and H. F. No. 464 which the committee recommends to pass.

S. F. No. 194, which the committee recommends to pass with the following amendment offered by Mr. Ueland, A.:

Page 2, line 26, before "or" insert a semicolon

Page 2, line 26, strike the semicolon after "or"

H. F. No. 382, which the committee recommends to pass with the following amendments offered by Messrs. Kirchner and Laufenburger:

Mr. Kirchner moved that the amendment made to H. F. No. 382 by the Committee on Rules and Administration in the report adopted March 24, 1977, pursuant to Rule 49 be stricken, and further moved to amend H. F. No. 382 as follows:

Page 3, strike lines 12 to 21 and insert:

"Sec. 3. Minnesota Statutes 1976, Section 169.974, is amended by adding a subdivision to read:

Subd. 6. In an action to recover damages for negligence resulting in any head injury to an operator or passenger of a motorcycle, evidence of whether or not the injured person was wearing protective headgear of a type approved by the commissioner shall be admissible only with respect to the question of damages for head injuries. Damages for head injuries of any person who was not wearing protective headgear shall be reduced to the extent that those injuries could have been avoided by wearing protective headgear of a type approved by the commissioner. For the purposes of this subdivision "operator or passenger" means any operator or passenger regardless of whether that operator or passenger was

required by law to wear protective headgear approved by the commissioner."

Page 3, line 24, after "Subd." strike "6" and insert "7"

Amend the title as follows:

Page 1, strike line 3, and insert "limiting the motorcycle helmet requirement to persons under 18 and persons holding instruction permits; including motorcycles within state"

Page 1, line 4, after the semicolon insert "providing for admission of certain evidence for determination of damages in negligence actions;"

Page 1, line 6, strike everything after "adding"

Page 1, strike line 7 and insert "subdivisions."

Mr. Laufenburger moved to amend H. F. No. 382 as follows:

Page 3, after line 27, insert:

"Sec. 5. No later than November 15, 1979, the commissioner of public safety shall submit to the governor and the legislature a report analyzing the public safety, health and insurance implications and the societal costs of this act. The report shall include recommendations regarding the continuation or modification of this act."

Renumber the remaining section

Amend the title as follows:

Page 1, line 4, before "amending" insert "requiring a report;"

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Borden moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, March 31, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, March 30, 1977

The House of Representatives met on Wednesday, March 30, 1977, which was the Twenty-eighth Legislative Day of the Seventieth Session of the Minnesota State Legislature. The Senate did not meet on this date.

TWENTY-NINTH DAY

St. Paul, Minnesota, Thursday, March 31, 1977

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

Prayer was offered by the Chaplain, Monsignor Ambrose V. Hayden.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Bang and Engler were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Ashbach, Sieloff, Ogdahl, McCutcheon and Johnson introduced—

S. F. No. 1028: A bill for an act relating to taxation; exempting certain aids to handicapped persons from property tax assessments; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski and Wegener introduced—

S. F. No. 1029: A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.12, by adding a subdivision; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivision 3.

Referred to the Committee on Local Government.

Messrs. Stokowski, Chenoweth, Laufenburger, Ogdahl and Renneke introduced—

S. F. No. 1030: A bill for an act relating to public employees; authorizing the deduction of dues for public pension and retirement benefit improvement organizations; amending Minnesota Statutes 1976, Section 181.063.

Referred to the Committee on Governmental Operations.

Messrs. Wegener, Dunn, Chmielewski, Purfeerst and Olson introduced—

S. F. No. 1031: A bill for an act relating to agriculture; expanding the family farm security program to cover farm loans for purposes other than acquiring farm real estate; providing an appropriation; amending Minnesota Statutes 1976, Sections 41.51; 41.52, Subdivisions 5 and 9; 41.55; 41.56, Subdivisions 1, 3 and 4; 41.57, Subdivisions 1 and 2; 41.59, Subdivision 1; and 41.61, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Luther introduced—

S. F. No. 1032: A bill for an act relating to public health; requiring medical malpractice information from insurers; granting subpoena power to the board of medical examiners; amending Minnesota Statutes 1976, Section 147.072.

Referred to the Committee on Commerce.

Messrs. Davies, Luther, Dieterich and Stumpf introduced—

S. F. No. 1033: A bill for an act relating to landlord and tenant; requiring disclosure of identity of owner and manager of rental property; specifying form of disclosure; adding definitions; specifying to whom notice to quit is given when disclosure has not been made; providing a penalty for violation; amending Minnesota Statutes 1976, Section 504.22, Subdivisions 1, 2, 4, 5 and 6, and by adding subdivisions.

Referred to the Committee on Judiciary.

Messrs. Solon, Moe, Anderson, Ogdahl and Hughes introduced—

S. F. No. 1034: A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

Referred to the Committee on Transportation.

Mr. Sikorski introduced—

S. F. No. 1035: A bill for an act relating to the powers of county court judges in Washington county; authorizing a county court judge, in lieu of certain other procedures, to order certain convicted defendants to undergo evaluation, diagnosis and rehabilitation treatment at or under the direction of the Washington county alcohol/drug survival project.

Referred to the Committee on Judiciary.

Messrs. Keefe, S. and Milton introduced—

S. F. No. 1036: A bill for an act relating to health care; providing funds for certain medical research at the Hennepin county medical center; appropriating money.

Referred to the Committee on Finance.

Messrs. Benedict and Kirchner introduced—

S. F. No. 1037: A bill for an act relating to the city of Bloomington; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement, rental assistance, and financial assistance; amending Laws 1971, Chapter 616, Sections 1 and 2.

Referred to the Committee on Local Government. Mr. Knoll questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Sillers introduced—

S. F. No. 1038: A bill for an act relating to retirement; making judges eligible for combined service annuities; amending Minnesota Statutes 1976, Section 356.30, Subdivision 3.

Referred to the Committee on Governmental Operations.

Mr. Johnson introduced—

S. F. No. 1039: A bill for an act relating to the city of Eveleth; firemen's pensions; amending Laws 1935, Chapter 208, Section 11, as added and amended.

Referred to the Committee on Governmental Operations.

Messrs. McCutcheon, Coleman, Borden and Sillers introduced—

S. F. No. 1040: A bill for an act relating to taxation; increasing certain income tax credits; simplifying certain deductions; changing the definition of gross income; providing for a minimum tax on preference income; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.06, Subdivision 3c; 290.09, Subdivisions 4, 5, 10 and 15; 290.21, Subdivision 3; Chapter 290, by adding sections; repealing Minnesota Statutes 1976, Sections 290.08, Subdivision 6; 290.09, Subdivisions 26 and 27; 290.971 and 290.972.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ashbach, Moe, Solon and Ogdahl introduced—

S. F. No. 1041: A bill for an act relating to commerce; employments licensed by the state; providing for licensing and regulation of locksmiths; establishing the board of locksmiths; prescribing its powers and duties; providing penalties; appropriating money; amending Minnesota Statutes 1976, Section 214.01, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Frederick, Merriam, Sillers and Hughes introduced—

S. F. No. 1042: A bill for an act relating to education; higher education coordinating board; scholarships and grants-in-aid; changing eligibility requirements to include upper class students; amending Minnesota Statutes 1976, Section 136A.121, Subdivision 3, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Stumpf, Willet, Hughes, Kleinbaum and Sillers introduced—

S. F. No. 1043: A bill for an act relating to education; higher education coordinating board; providing grants for out of state colleges of osteopathy attended by Minnesota students; appropriating money.

Referred to the Committee on Education.

Messrs. Hughes, Frederick, Dieterich, Merriam and Johnson introduced—

S. F. No. 1044: A bill for an act relating to taxation; making amendment of income-adjusted homestead credit which allowed credit for both property taxes payable and rent constituting property taxes in certain cases retroactive to taxable years beginning after December 31, 1974; amending Laws 1976, Chapter 334, Section 21.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ashbach, Johnson, Dunn and Sillers introduced—

S. F. No. 1045: A bill for an act relating to taxation; providing for an income tax deduction for expenses of a taxpayer in providing nursing home care for a parent; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Hughes introduced—

S. F. No. 1046: A bill for an act relating to retirement; membership of higher education coordinating board employees in the unclassified employees program; amending Minnesota Statutes 1976, Section 352D.02, Subdivision 1.

Referred to the Committee on Governmental Operations.

Mrs. Brataas, Messrs. Laufenburger, Willet, Milton and Ashbach introduced—

S. F. No. 1047: A bill for an act relating to unemployment compensation; requiring the commissioner of employment services to periodically notify all employers of benefits being received by their former employees; amending Minnesota Statutes 1976, Section 268.06, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Willet, Wegener, Bernhagen and Nelson introduced—

S. F. No. 1048: A bill for an act relating to agriculture; agricultural marketing and bargaining; modifying provisions for collective bargaining; amending Minnesota Statutes 1976, Sections 17.693, Subdivisions 2, 4 and 8; 17.694, Subdivisions 1, 3, 6 and 7; 17.695, Subdivision 2; 17.696, Subdivision 1; 17.697, Subdivisions 1 and 3; 17.698; and Chapter 17, by adding a section; repealing Minnesota Statutes 1976, Sections 17.695, Subdivisions 3 and 4; and 17.699.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Tennessen, Humphrey, Spear, Willet and Sillers introduced—

S. F. No. 1049: A bill for an act relating to legal services; providing for the creation of a state legal services corporation; providing for legal assistance to certain persons; providing financial assistance to qualified programs furnishing legal assistance in civil cases; providing Hennepin and Ramsey counties with an option not to participate with the corporation in the delivery of legal services; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 3; 43.01, Subdivision 18; 260.155, Subdivision 2; 611.12, Subdivisions 1 and 2; 611.14; 611.22; 611.23; 611.24; 611.26; and 611.27, Subdivisions 1 and 2; Laws

1975, Chapter 258, Section 6, Subdivision 2; and Laws 1973, Chapter 317, Section 1, Subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Olhoft, Peterson, Schaaf and Sillers introduced—

S. F. No. 1050: A bill for an act relating to taxation; clarifying definitions of "sale," "retail sale," "gross receipts," and "retailer"; specifying tax on food, meals, drinks, and lodging; restricting exemptions for sales of petroleum products and road building materials and for sales by charitable organizations, auctioneers, or brokers; requiring vendors to repay amounts refunded to purchasers; imposing liens and penalties; amending Minnesota Statutes 1976, Sections 297A.01, Subdivisions 3, 4, 9 and 10; 297A.14; 297A.25, Subdivision 1; 297A.35, Subdivision 1, and by adding a subdivision; 297A.39, Subdivision 3; 297A.40, Subdivision 2; repealing Minnesota Statutes 1976, Section 297A.25, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Borden, Schaaf, Sikorski, McCutcheon and Ashbach introduced—

S. F. No. 1051: A bill for an act relating to grand juries; providing for grand juries drawn from more than one county; amending Minnesota Statutes 1976, Section 628.41.

Referred to the Committee on Judiciary.

Messrs. Hughes, Milton and Sieloff introduced—

S. F. No. 1052: A bill for an act relating to retirement; annuities, benefits and contributions under certain public retirement plans.

Referred to the Committee on Governmental Operations.

Messrs. McCutcheon, Schaaf, Borden and Merriam introduced—

S. F. No. 1053: A bill for an act relating to peace officers; establishing the Minnesota peace officers professional standards board; authorizing the board to promulgate standards relating to the conduct of the law enforcement profession; granting the board certain enforcement powers of investigation and action on complaints; appropriating money.

Referred to the Committee on Judiciary.

Messrs. Johnson, Solon, Vega and Borden introduced—

S. F. No. 1054: A bill for an act relating to economic development; changing certain requirements for loan eligibility through the Minnesota area redevelopment administration; amending Minnesota Statutes 1976, Section 472.11, by adding subdivisions.

Referred to the Committee on Commerce.

Messrs. Dunn and Pillsbury introduced—

S. F. No. 1055: A bill for an act relating to retirement, judges' survivors' benefits; option to continue.

Referred to the Committee on Governmental Operations.

Messrs. Sieloff and Renneke introduced—

S. F. No. 1056: A bill for an act relating to taxation; excluding private pension payments from gross income for income tax purposes; amending Minnesota Statutes 1976, Section 290.08, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S. F. No. 1057: A bill for an act providing for withholding of pay to residents for active service as members of the armed forces; amending Minnesota Statutes 1976, Section 290.92, Subdivisions 1 and 16.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olson, Lewis and Knutson introduced—

S. F. No. 1058: A bill for an act relating to human services; providing grants to plan and organize human services programs; requiring notification of affected state agencies; requiring certain membership on advisory councils; promulgating rules; amending Minnesota Statutes 1976, Sections 402.01, by adding a subdivision; 402.02, Subdivisions 1 and 2; 402.03; 402.04, Subdivision 1; 402.05; and 402.06; repealing Minnesota Statutes 1976, Sections 402.08 and 402.09.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Stumpf, McCutcheon, Nelson and Lessard introduced—

S. F. No. 1059: A bill for an act relating to civil actions; providing for a mail form answer for complaints in consumer civil actions.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S. F. No. 1060: A bill for an act relating to taxation; providing class 3cc property tax classification for disabled persons receiving aid from private pension plans; amending Minnesota Statutes 1976, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schaaf and Borden introduced—

S. F. No. 1061: A bill for an act relating to peace officer training; requiring the superintendent of the bureau of criminal apprehension to establish a system of regional police schools for town peace officers; providing that town peace officers shall be allowed to attend school on a noncontinuous basis and to take up to two years to obtain certification; amending Minnesota Statutes 1976, Section 626.848; and Chapter 626, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Laufenburger; Keefe, S.; Kirchner; Solon and Kleinbaum introduced—

S. F. No. 1062: A bill for an act relating to financial institutions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the commissioner of banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

Referred to the Committee on Commerce.

Messrs. Olson, Chmielewski, Olhoft and Nichols introduced—

S. F. No. 1063: A bill for an act relating to health; exempting certain medical records from the requirements of the data on individuals laws.

Referred to the Committee on Judiciary.

Messrs. Stokowski, Coleman, Gearty and Moe introduced—

S. F. No. 1064: A bill for an act relating to the state board of investment; creating an advisory council; requiring annual reports; replacing existing agencies; amending Minnesota Statutes 1976, Chapter 11, by adding sections.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Coleman, McCutcheon and Moe introduced—

S. F. No. 1065: A bill for an act relating to the public employees retirement association; authorizing the acquisition of real estate and the construction of a building thereon; authorizing a lease with the state and specifying minimum rents; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, McCutcheon, Merriam, Sieloff and Frederick introduced—

S. F. No. 1066: A bill for an act relating to taxation; providing for distribution of property taxes levied on certain electric utility facilities among certain governmental units.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Penny, Schmitz and Purfeerst introduced—

S. F. No. 1067: A bill for an act relating to highway traffic regulations; equipment on certain vehicles to meet certain requirements; prohibiting the sale, other than to a dealer, of certain vehicles with unsafe tires; providing penalties; amending Minnesota Statutes 1976, Sections 169.721, by adding subdivisions; 169.723; 169.724; 169.725; 169.726; and 169.727; repealing Minnesota Statutes 1976, Sections 169.721, Subdivision 3; and 169.722.

Referred to the Committee on Transportation.

Messrs. Davies, Ogdahl, Gearty, Mrs. Staples and Mr. McCutcheon introduced—

S. F. No. 1068: A bill for an act relating to children; reporting of maltreatment of minors; providing definitions; delineating reporting requirements; providing for notification of police from welfare agencies; delineating the scope of the privacy attributed to records maintained by welfare agencies; providing for the destruction of certain records; providing for a new crime of assault on a child; providing penalties; amending Minnesota Statutes 1976, Section 626.556, Subdivisions 2, 3, 5, 6, 9, 11, and by adding a subdivision; and 609.225, by adding subdivisions.

Referred to the Committee on Judiciary.

Messrs. Pillsbury; Keefe, S.; Johnson; Schmitz and Ueland, A. introduced—

S. F. No. 1069: A bill for an act relating to taxation; providing for payment of the income tax credit for political contributions to persons who don't have sufficient tax liability to use the credit against income tax; amending Minnesota Statutes 1976, Section 290.06, Subdivision 11.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Laufenburger, Borden and Mrs. Brataas introduced—

S. F. No. 1070: A bill for an act relating to franchises; concerning franchise fees; amending Minnesota Statutes 1976, Sections 80C.01, Subdivisions 4 and 9; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

Referred to the Committee on Commerce.

Mrs. Staples, Messrs. Humphrey, Borden, Kirchner and Sikorski introduced—

S. F. No. 1071: A bill for an act relating to appropriations; providing funds for the programs of the Minnesota International Center.

Referred to the Committee on Governmental Operations.

Mr. Moe, for the Committee on Finance, introduced—

S. F. No. 1072: A bill for an act relating to appropriations; appropriating money for the fiscal year ending June 30, 1977.

Under the rules of the Senate, laid over one day.

Messrs. Lewis, Milton and Kirchner introduced—

S. F. No. 1073: A bill for an act relating to corrections; establishing a facility for the care and treatment of inmates of correctional institutions who become mentally ill; providing for their commitment and detention for treatment; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Laufenburger, Mrs. Brataas, Messrs. Kleinbaum, Jensen and Solon introduced—

S. F. No. 1074: A bill for an act relating to insurance; providing for competitive bids on group contracts for certain public bodies; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. McCutcheon, Schaaf, Sikorski, Borden and Ashbach introduced—

S. F. No. 1075: A bill for an act relating to traffic offenses; decriminalizing certain traffic offenses; providing for administrative adjudication of decriminalized traffic offenses; providing civil penalties and court review thereof; creating a division of administrative adjudication within the department of public safety, prescribing the powers and duties of the division and the commissioner of public safety; appropriating money; amending Minnesota Statutes 1976, Sections 169.01, by adding subdivisions, 169.13, Subdivisions 1 and 2; 169.14, Subdivisions 9 and 10; 169.141, Subdivision 2; 169.16, 169.305, Subdivision 3; 169.725, 169.89, Subdivisions 1, 4 and 5; 169.95, 169.965, Subdivisions 2, 3 and 4, and by adding a subdivision; 169.966, Subdivisions 2, 3 and 4, and by adding a subdivision; 169.99, Subdivision 1; 171.01, by adding subdivisions; 171.08; 171.12, Subdivisions 2 and 3; 171.15, 171.16, Subdivisions 1 and 3; 171.18; 171.19; 171.20, Subdivision 2; 171.24; 171.29, Sub-

division 1; 260.193, Subdivision 4; 487.29, Subdivision 1; 488A.08, Subdivision 3; 488A.25, by adding a subdivision; and 611.14.

Referred to the Committee on Judiciary.

Messrs. Borden, Ogdahl, Solon, Laufenburger and Lewis introduced—

S. F. No. 1076: A bill for an act relating to intoxicating liquor; prohibiting discrimination in sales; filing of wholesale prices; amending Minnesota Statutes 1976, Sections 340.114, Subdivision 1; 340.983; and Chapter 340, by adding sections.

Referred to the Committee on Commerce.

Messrs. Borden, Schaaf, Sikorski, McCutcheon and Ashbach introduced—

S. F. No. 1077: A bill for an act relating to the organization and operation of state government; creating a crime control planning board to supersede the governor's commission on crime prevention and control; requiring a statewide comprehensive plan for law enforcement and criminal justice administration; empowering the board to make grants to governmental agencies; designating the board as the state planning agency for purposes of federal legislation; prescribing other powers and duties; requiring annual reports; creating regional crime control advisory councils; requiring the preparation of regional plans; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Schaaf introduced—

S. F. No. 1078: A bill for an act relating to transportation; restructuring state and local financing of the operations of the Twin Cities metropolitan transit commission; requiring performance funding; changing the taxing authority of the commission; authorizing the sale of bonds for particular purposes; limiting operating deficits on all regular routes; providing for initiation of and reimbursement for certain new routes; establishing reduced fare service for the elderly, students and handicapped and reimbursing the commission for such service; extending the statewide supplemental transit aid program; establishing a statewide paratransit demonstration grant program; defining "transit"; requiring annual permits for overlength articulated buses; granting powers to and imposing duties on the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 169.81, by adding a subdivision; 473.121, Subdivision 19, and by adding a subdivision; 473.402; 473.413, Subdivision 8; 473.421; 473.423, Subdivision 1; 473.446, Subdivision 1; Chapters 174, by adding a section; and 473, by adding sections; repealing Minnesota Statutes 1976, Section 473.446, Subdivisions 4 and 5.

Referred to the Committee on Transportation. Mr. Chenoweth questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 377.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1977

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. 201: A bill for an act relating to crimes; prohibiting devices intended to be used to avoid payment of long distance telecommunications services; prescribing penalties; amending Minnesota Statutes 1976, Section 609.785.

Senate File No. 201 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1977

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 201 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 201 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lewis	Penny	Solon
Ashbach	Gearty	Luther	Perpich	Spear
Benedict	Gunderson	McCutcheon	Pillsbury	Staples
Bernhagen	Hanson	Menning	Purfeerst	Stokowski
Borden	Jensen	Merriam	Renneke	Strand
Brataas	Johnson	Milton	Schaaf	Stumpf
Chenoweth	Keefe, S.	Moe	Schmitz	Tennessen
Chmielewski	Kirchner	Nelson	Schrom	Ueland, A.
Coleman	Kleinbaum	Nichols	Setzepfandt	Ulland, J.
Davies	Knoll	Ogdahl	Sieloff	Vega
Dieterich	Knutson	Olhoff	Sikorski	Wegener
Dunn	Lessard	Olson	Sillers	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 the passage by the House of the

following House Files, herewith transmitted: H. F. Nos. 307 and 418.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 28, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 661.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 29, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 82, 247 and 777.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 30, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 307: A bill for an act relating to retirement; correcting outdated references in the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 25; 354.41, Subdivision 3; 354.49, Subdivision 1; 354.53, Subdivision 1; 354.55, Subdivisions 6, 15, and 18; and 354.58.

Referred to the Committee on Governmental Operations.

H. F. No. 418: A bill for an act relating to public welfare; exempting licensed hospitals from day care licensing requirements; amending Minnesota Statutes 1976, Section 245.791.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 476 now on the Calendar.

H. F. No. 661: A bill for an act relating to highway traffic regulations; exempting trucks engaged in hauling hay from certain weight restrictions during a specified period of time.

Referred to the Committee on Transportation.

H. F. No. 82: A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; increasing the penal fine of misdemeanors; directing a court to require as a condition of a stay of imposition or execution of sentence restitution for property damage or loss or compensation for personal injuries; amending Minnesota Statutes 1976, Sections 412.231; 609.02, Subdivision 3; 609.03; 609.031; 609.032;

609.135, Subdivision 1, 609.27, Subdivision 2; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; 609.615; and 609.785.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 189, now on General Orders.

H. F. No. 247: A bill for an act relating to Independent School Districts No. 217, No. 220, No. 440, No. 444, No. 649, No. 650, No. 782, No. 783, No. 893, and No. 896; authorizing the districts to discontinue certain grades and provide instruction by contract with another district; providing for aids, levies and the contractual rights of teachers in participating districts.

Referred to the Committee on Education.

H. F. No. 777: A bill for an act relating to agriculture; the family farm security program; eliminating first mortgage requirements for seller-sponsored loans; authorizing retention of land by sellers in lieu of payment of loan guarantees; authorizing sharing of excess proceeds from default sale; allowing payment adjustments for certain loans with unequal annual payments; amending Minnesota Statutes 1976, Sections 41.52, Subdivisions 5 and 8; 41.54, Subdivision 2; 41.56, Subdivisions 3 and 4; 41.57, Subdivision 2; and 41.58, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S. F. No. 682 and reports pertaining to appointments. The motion prevailed.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred the following appointment as reported in the Journal for January 6, 1977:

CRIME VICTIMS REPARATIONS BOARD

Dr. William Kosiak

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

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

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

S. F. No. 336: A bill for an act relating to Spanish-speaking people; creating a state board on affairs of the Spanish-speaking people; appropriating money.

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

Page 1, line 7, after "1." insert "[BOARD ON AFFAIRS OF SPANISH-SPEAKING PEOPLE.]"

Page 1, line 10, strike everything after the period

Page 1, strike line 11

Page 1, line 12, strike "Central Americans and South Americans."

Page 1, line 13, strike "Spanish-speaking and shall be"

Page 1, line 15, after "state" insert "and shall be persons of Puerto Rican, Cuban, Central American or South American descent"

Page 1, line 15, strike "The procedure, membership," and insert "Membership"

Page 1, after line 19, insert

"Sec. 2. [SPANISH-SPEAKING PEOPLE.] For purposes of sections 3 to 8, the term "Spanish-speaking person" means a person who has a Spanish surname, who uses Spanish as a primary method of communication, who is primarily of Mexican, Puerto Rican, Cuban, Central American, South American or other Spanish descent, or who is a spouse of one of the foregoing."

Page 3, line 1, after "or" insert "initial"

Page 3, line 9, strike "6" and insert "7"

Page 3, line 11, strike "commissioner of administration" and insert "governor"

Page 3, line 15, strike "6" and insert "7"

Page 3, line 17, strike "anytime" and insert "any time"

Page 4, after line 3, insert:

"Sec. 8. [TRANSITION PROVISION.] The board created by this act shall supersede and replace the office of liaison for Spanish-speaking people created by executive order of the governor. Personnel employed by the office on the effective date of this act shall be transferred to the employ of the board."

Renumber sections in sequence.

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

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

S. F. No. 695: A bill for an act authorizing the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

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

Page 1, line 16, strike "*may*" and insert "*shall*"

Page 2, strike lines 8 and 9 and insert "*with the metropolitan council regional recreation open space policy plan.*"

Page 2, line 17, strike "*master plan and*"

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

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

S. F. No. 412: A bill for an act relating to municipalities; providing for negotiation of contracts between municipalities and state departments and agencies for provision of fire and police protection services for state institutions, land and other property.

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

Page 1, line 15, strike "this act" and insert "sections 1 and 2"

Page 1, lines 21 to 22, strike "of this act"

Page 2, lines 13 and 16, strike "the effective date of this act" and insert "July 1, 1977"

Page 2, lines 18 to 19, strike "the provisions of this act" and insert "sections 1 and 2"

Page 2, lines 26 to 27, strike "regulations pursuant to the administrative procedure act, Minnesota Statutes, Chapter 15," and insert "rules"

Page 3, line 1, strike "regulation" and insert "rule"

Page 3, lines 6 and 19, strike "regulations" and insert "rules"

Page 3, line 11, strike "council" and insert "committee"

Page 3, line 12, strike "and research"

Page 3, line 13, strike "committee" and insert "commission"

Page 3, line 16, after "agencies" insert a comma

Page 4, line 4, after "by" insert "substantial changes in the services required to be provided, unanticipated difficulties in providing the services or other unforeseen"

Page 4, after line 4, insert:

"Sec. 3. [EFFECTIVE DATE.] This act is effective July 1, 1977; provided that no contract pursuant to this act may be executed before July 1, 1978."

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 388: A bill for an act relating to insurance; subrogation of claims; requiring subrogated insurers to pay a proportionate share of certain attorney fees and costs; amending Minnesota Statutes 1976, Section 65B.53, Subdivision 5, and by adding a subdivision.

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

Page 1, line 21, after "motorcycle" and before the comma insert "where the right of subrogation is claimed or may be claimed under this section"

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

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

S. F. No. 348: A bill for an act relating to municipalities; planning and regulating development in orderly annexation areas adjacent to cities; amending Minnesota Statutes 1976, Sections 414.034, Subdivision 1; 414.068, Subdivisions 1, 2, and 3; Chapter 115, by adding a section.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 414.068, is amended to read:

414.068 [ZONING AND SUBDIVISION REGULATION WITHIN ORDERLY ANNEXATION AREAS.] Subdivision 1. [AREA AFFECTED.] ~~Whenever an area has been designated as in need of orderly annexation pursuant to sections 414.032 or 414.034 and until such time as it is actually annexed to the municipality, zoning and subdivision regulation shall be governed by this section. Until an area designated in need of annexation is actually annexed to the municipality, the municipality and the town may include in the joint resolution a provision for land use controls as provided in chapter 394 and sections 462.351 to 462.364. The joint resolution may provide for the adoption and enforcement of the state building code or the fire code of the municipality to all or a portion of the area designated for orderly annexation.~~

Subd. 2. [ZONING.] ~~If the county and townships agree to exclude the area from their zoning ordinances, the municipality may extend its zoning regulations to include the entire orderly annexation area as provided in section 462.357, subdivision 1. In the absence of any agreement for such joint exercise of planning and land use controls in the area designated for orderly annexation, the following provision shall apply.~~

~~If the county and township do not agree to such extraterritorial zoning by the municipality, Zoning within the orderly annexation area shall be controlled by a three member committee with one~~

member appointed from each of the municipal, town and county governing bodies. This committee shall serve as the "governing body" and "board of appeals and adjustments" for purposes of section 462.357, within the orderly annexation area.

Subd. 3. [SUBDIVISION REGULATIONS.] Unless otherwise provided by joint resolution of the township and municipality, the municipality may extend its subdivision regulations to the entire orderly annexation area, pursuant to section 462.358, notwithstanding any township subdivision ordinances."

Amend the title as follows:

Page 1, line 5, strike "Sections 414.034, Subdivision 1;" and insert "Section"

Page 1, line 5, strike the comma after "414.068" and insert a period

Page 1, strike lines 6 and 7

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

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

S. F. No. 813: A bill for an act relating to the county of Carlton; authorization of certain payments to the city of Cloquet.

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

Page 1, after line 8, add:

"Sec. 2. This act takes effect upon approval by a majority of the members of the county board of Carlton county and upon compliance with the provisions of Minnesota Statutes, Section 645.021."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S. F. No. 812: A bill for an act relating to St. Louis county; revising the composition of the county welfare board; amending Laws 1907, Chapter 222, Section 1, Subdivisions 1, 2 and 3, as amended; and Minnesota Statutes 1976, Section 393.01, Subdivision 5.

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

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

S. F. No. 395: A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section

357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

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

Page 3, line 16, strike "\$100" and insert "\$20"

Page 4, line 16, strike "of"

Page 4, line 16, strike "20 cents per mile" and insert "provided in section 43.327, notwithstanding any other provision to the contrary"

Page 4, line 16, after the period, reinstate the stricken language

Page 4, reinstate the stricken language in lines 17 and 18

Page 4, line 18, strike the reinstated "the"

Page 4, line 19, reinstate "the most remote."

Page 5, after line 3, insert:

"Sec. 5. Section 357.09 shall not relate to or affect the fees of the sheriff of Ramsey county."

And the title as follows:

Line 2, after "sheriffs;" insert "increasing the"

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

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

S. F. No. 450: A bill for an act relating to banks and banking; authorizing certain branch banks; permitting consolidation of banks in regions; amending Minnesota Statutes 1976, Sections 48.34 and 49.34.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 48.34, is amended to read:

48.34 [BRANCH BANKS.] No bank or trust company organized under the laws of this state shall maintain a branch bank or receive deposits or pay checks within this state, except at its own banking house, and the commissioner shall take possession of and liquidate the business and affairs of any state bank or trust company violating the provisions of this section, in the manner prescribed by law for the liquidation of insolvent state banks and trust companies. Subdivision 1. [DEFINITIONS.] The following terms, for the purposes of this section, have the meanings ascribed to them:

(a) "Bank" means any bank, savings bank, or trust company as defined in Minnesota Statutes, Section 47.01.

(b) "Commissioner" means the commissioner of banks.

(c) "Principal office" means the main banking house of any bank at which its principal functions are conducted.

(d) "Branch office" means any building, or place of business of a bank, other than its principal office, at which the usual business of a bank is conducted, but shall not include any place at which only records are made, posted, or kept, or a detached facility as defined by Minnesota Statutes, Sections 47.51 to 47.57.

(e) "Region" means a development region as defined by the regional development act of 1969, Minnesota Statutes, Sections 462.381 to 462.396 and as designated by the governor on the effective date of this act, and shall include as a single region the metropolitan area as defined in section 473.121, subdivision 2.

Subd. 2. [BRANCH OFFICES.] No bank, or officer, director or agent thereof, shall transact any part of its usual business of banking at any place other than its principal office, except as follows:

(a) Any bank may establish and operate one or more branch offices at any location or locations within the region in which its principal office is located upon receiving the approval of the commissioner. The commissioner shall approve an application if it shall appear that establishment of the proposed branch will improve the quality or increase the availability of banking services in the community to be served, and that the capital funds and managerial resources of the applicant are adequate. In determining whether the capital funds of the applicant are adequate, the commissioner shall consider the deposit potential for the proposed branch, the current banking industry standards of capital adequacy, and the management quality, asset condition, and earnings of the applicant. The commissioner may deny an application upon a finding that establishment of the proposed branch will have an undue adverse effect upon existing financial institutions in the community to be served.

(b) No application shall be granted permitting the establishment of a branch office in any city having a population, according to the last previous United States census, of less than 2,000, unless there is no principal office of a bank in that city; provided that nothing in this subdivision prohibits establishment of a branch office by merger or consolidation pursuant to this section and sections 49.34 to 49.41.

Subd. 3. [APPLICATION AND APPROVAL.] (a) Any bank desiring to establish and operate a branch office shall make application in writing upon forms prescribed by the commissioner and shall file the forms with his office, together with a filing fee of \$50, and in the case where an application is contested, an additional fee of \$450, payable to the state treasurer and credited by the treasurer to the general fund. Thereupon the commis-

sioner shall fix a time, within 60 days after the filing of the application, for a hearing for the purpose of considering the application. At the hearing the applicant, and any other interested person who has filed with the commissioner prior to the date of the hearing a written notice of appearance stating his position in favor of or against the approval of the application, shall be afforded an opportunity to present evidence and argument with respect thereto. Notice of the hearing shall be mailed by the commissioner by certified mail to the applicant and to the principal office of each and every bank located within the region in which the proposed branch office is to be located. In addition, notice of the hearing shall be published by the commissioner, at the expense of the applicant, in a legal newspaper in the municipality in which the proposed branch office is to be located, and if there is no newspaper, then in a legal newspaper at the county seat of the county in which the proposed branch office is to be located. The notice shall be mailed and published not less than 30 days prior to the date of the hearing. If more than one application for the establishment of a branch office in the same vicinity is received by the commissioner within any 30 day period, the commissioner may, in his discretion, consolidate the hearings to be held for the purpose of considering such applications in a single hearing. Except as otherwise provided herein, the hearing shall be conducted by the commissioner in accordance with the provisions of the administrative procedure act, Minnesota Statutes, Sections 15.0411 to 15.052, governing contested cases, including the provisions of the act relating to judicial review of agency decisions.

(b) Upon conclusion of the hearing and within 90 days thereafter, the commissioner shall approve or deny the application. If the application is approved, the commissioner shall issue forthwith a certificate of authorization and an order, setting forth a statement of the reasons therefor. If the proposed branch office is not activated within 12 months thereafter, the certificate of authorization shall automatically expire. If the application is denied, the commissioner shall issue an order to that effect setting forth a statement of the reasons therefor and shall forthwith give notice thereof by certified mail to the applicant.

Subd. 4. [MERGER, CONSOLIDATION, PURCHASE.] (a) Branch offices may be established with the approval of the commissioner by merger or consolidation of two or more banks, or by the purchase by a bank of all or a substantial part of the assets of one or more other banks, which have their principal office or offices within the same region, pursuant to this section.

(b) No bank shall merge or consolidate with another bank or acquire all or a substantial part of the stock or assets of another bank and operate the offices of the bank as branch offices of the merged or consolidated bank, if the combined deposits of the consolidated banks would exceed 20 percent of the bank deposits in the region in which the consolidated bank is located, or in the state. The deposits held by each bank shall be determined by the commissioner from the most recent reports made by all banks to any supervisory authority. If the acquiring bank

is a subsidiary of a bank holding company, its percentage of deposits shall include the combined percentage held by all banking subsidiaries of that holding company in that region or state, whichever percentage is greater. For purposes of this section "bank holding company" and "subsidiary" have the meanings provided in the Bank Holding Company Act, 12 U.S.C. Section 1841.

(c) Nothing in this section shall prevent the merger or consolidation of banks which are, on June 1, 1977, subsidiaries of the same bank holding company, and the operation of the offices of such banks as branch offices of the merged or consolidated bank, without the approval of the commissioner.

(d) Nothing in this section shall prevent the merger, consolidation or purchase of a failing bank pursuant to a request of the Federal Reserve Board, Federal Deposit Insurance Corporation, Comptroller of the Currency, Commissioner, or other supervisory authority, and the operation of the offices of such banks as a branch office of the merged or consolidated bank, without the approval of the commissioner.

Subd. 5. [CHANGE OF LOCATION.] Upon approval of the commissioner, a bank may change the location of a branch office from one place to another within the immediate vicinity of its previously authorized location.

Subd. 6. [CLOSING OF OFFICE.] Upon approval of the commissioner, a bank may close or discontinue the operation of any branch office provided public notice thereof is given in the manner prescribed by the commissioner at least 90 days prior to the date of closing or discontinuance.

The commissioner may grant an application to close a branch office if it will not have an undue adverse effect on the public convenience and advantage. In the event any person objects to the application, the commissioner shall hold a hearing in the manner provided by the Minnesota Administrative Procedure Act, Minnesota Statutes, Sections 15.0411 to 15.052.

Subd. 7. [EXISTING BRANCH OFFICES.] Nothing contained in this section denies any bank the right to continue the operation of any branch office or offices established prior to the effective date of this act.

Subd. 8. Nothing contained in this section denies any bank the right to establish and maintain a detached facility as provided in sections 47.51 to 47.57.

Sec. 2. Minnesota Statutes 1976, Section 49.34, is amended to read:

49.34 [CONSOLIDATION OF STATE BANKS OR TRUST COMPANIES, PROCEDURE.] Any two or more state banks, operating in the same city, development region as defined by the regional development act of 1969, Minnesota Statutes, Sections 462.381 to 462.396, or in the metropolitan area as defined in section 473.121, subdivision 2 may be consolidated into

a consolidated state bank, and any two or more trust companies, operating in the same *city development region or in the metropolitan area*, may be consolidated into a consolidated trust company, and any state bank or state banks and any trust company or trust companies, operating in the same *city development region or in the metropolitan area*, may be consolidated into a consolidated state bank or consolidated trust company, as the respective boards of directors thereof may determine. All such consolidation shall be effected in the manner provided in sections 49.35 to 49.41 and when so organized, the consolidated corporation shall be governed and conducted in all other respects as provided by the statutes relating to the respective classes of financial corporations."

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

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

S. F. No. 774: A bill for an act relating to intoxicating liquor; restrictions upon places of sale; amending Minnesota Statutes 1976, Sections 340.07, Subdivision 13; and 340.353, Subdivision 1.

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

Page 1, line 18, strike "*mechanical*" and insert "*coin-operated*"

Page 2, line 14, strike "*mechanical*" and insert "*coin-operated*"

Amend the title as follows:

Page 1, line 2, strike "restrictions upon" and insert "permitting entertainment and coin-operated amusement devices in privately-owned and municipal liquor stores"

Page 1, line 3, strike "places of sale"

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

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

S. F. No. 368: A bill for an act relating to health care; providing conversion privileges under certain accident and health insurance policies, health service plan subscriber contracts and health maintenance contracts, for spouses whose marriage is dissolved; amending Minnesota Statutes 1976, Chapters 62A, by adding a section; 62C, by adding a section; and 62D, by adding a section.

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

Page 2, line 5, strike "*whose marriage has been dissolved*"

Page 3, line 5, strike "*whose marriage was*"

Page 3, line 6, strike "*dissolved*"

Page 4, line 3, strike "*whose marriage was*"

Page 4, line 4, strike "*dissolved*"

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

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

S. F. No. 208: A bill for an act relating to labor; prohibiting certain terms in employment contracts relating to inventions by employees.

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

Page 1, line 8, strike "term" and insert "provision"

Page 1, line 11, after "relate" insert "(1) directly to the business of the employer, or (2)"

Page 1, line 13, before "or" insert a comma

Page 1, line 13, after "or" insert "which"

Page 1, line 17, after "and" insert "any provision which purports to apply to such an invention"

Page 1, line 17, after "is" insert "to that extent"

Page 1, line 18, after "be" insert "void and"

Page 1, line 19, strike "terms" and insert "a provision"

Page 1, line 19, after "made" insert "void and"

Page 1, after line 21, insert:

"Subd. 3. Every new employment agreement containing a provision requiring the employee to assign any of his rights in any invention to his employer must also include a provision notifying the employee that the agreement does not apply to an invention which does not relate (1) directly to the business of the employer, or (2) to the employer's actual or demonstrably anticipated research or development, or which does not result from any work performed by the employee for the employer, and for which no equipment, supplies, facility or trade secret information of the employer was used and which was developed entirely on the employee's own time."

Amend the title as follows:

Page 1, line 3, strike "contracts" and insert "agreements"

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

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

H. F. No. 114: A bill for an act relating to intoxicating liquor; regulation and taxation of liquor sold in commemorative bottles;

amending Minnesota Statutes 1976, Sections 340.11, Subdivision 15; 340.44; and 340.601.

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

Page 2, after line 26, insert:

“Sec. 3. Minnesota Statutes 1976, Section 340.50, is amended to read:

340.50 [EXCEPTIONS.] Sales by a manufacturer, wholesaler, or brewer for shipment outside the state in interstate commerce shall not be subject to the payment of the tax, nor shall sales to any regularly appointed and ordained rabbi, priest, minister, or pastor of any church or established religious organization, of wine for sacramental purposes or the sale of commemorative bottles between collectors be subject to the payment of such tax.”

Renumber the sections accordingly

Page 3, line 7, after the period insert “Any collector of commemorative bottles as defined in section 340.44, clauses (6) and (7), excluding persons of minor age and other disqualified persons as provided by sections 340.73 and 340.78, who enters the state of Minnesota from another state may have in his personal possession twelve or fewer commemorative bottles without the required payment of the Minnesota excise tax.”

Page 3, line 16, strike “or to a collector of commemorative”

Page 3, strike lines 17 through 19

Page 3, line 20, strike everything before the period

Amend the title as follows:

Page 1, line 2, strike “regulation” and insert “exempting from licensing”

Page 1, line 3, strike “of”

Page 1, line 5, before “and” insert “340.50”

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

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

S. F. No. 241: A bill for an act relating to real estate brokers and salespersons; establishing a prelicense educational requirement and a continuing educational requirement; amending Minnesota Statutes 1976, Section 82.22, Subdivision 6, and by adding a subdivision.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, 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 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 not less than 60 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 not less than 30 hours of instruction approved by the commissioner.

~~(b)~~ (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.

Sec. 2. Minnesota Statutes 1976, Section 82.22, is amended by adding a subdivision to read:

Subd. 13. [CONTINUING EDUCATION.] (a) After July 1, 1978, all real estate salespersons not subject to, or who have completed the educational requirements contained in section 82.22, subdivision 6, and all real estate brokers shall be required to successfully complete 45 hours of real estate education, either as a student or a lecturer, in courses of study approved by the commissioner, within each three year period.

(b) For the purposes of administration, the commissioner shall classify by lot, the real estate brokers and salespersons subject to (a) above, in three classifications of substantially equal size. The first class shall complete 15 hours of approved real estate study between July 1, 1978 and June 30, 1979 inclusive. The second class shall complete 30 hours of approved real estate study between the dates of July 1, 1978 and June 30, 1980 inclusive. The third class shall complete 45 hours of approved real estate study between the dates of July 1, 1978 and June 30, 1981. After the first period, each class shall complete the prescribed educational requirements during successive three year periods.

(c) *The commissioner shall adopt rules defining the standards for course and instructor approval, and may adopt rules for the proper administration of this subdivision.*

Sec. 3. Minnesota Statutes 1976, Section 82.30, is amended to read:

82.30 [ADVISORY COUNCIL.] ~~Subdivision 1.~~ There shall be a real estate advisory council of seven members to be appointed by the commissioner of securities. Five members shall be real estate brokers with at least five years experience as licensed real estate brokers in Minnesota and two members shall be public members. They shall meet at the call of the commissioner *on a quarterly basis at publicized sessions and at such other times as the commissioner may deem necessary*, and advise and consult with him on all matters relating to education of licensees, pre-licensing requirements, and other major policy matters relating to the licensing of real estate brokers in Minnesota administration of sections 82.17 to 82.34. The council shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.

Sec. 4. Minnesota Statutes 1976, Section 82.34, is amended by adding a subdivision to read:

Subd. 19. The commissioner shall include in the annual report of the commerce commission pursuant to section 45.033, a report on the activities of the real estate education, research and recovery fund, noting the amount of money received by the fund, the amount of money expended and the purposes therefor."

Amend the title by striking it in its entirety and inserting:

"relating to real estate brokers and salespersons; authorizing the commissioner to increase license terms; establishing a pre-license educational requirement and a continuing educational requirement; requiring an annual report on the real estate education, research and recovery fund; and requiring regular meetings of the real estate advisory council; amending Minnesota Statutes 1976, Sections 82.22, Subdivision 6, and by adding a subdivision; 82.30; and 82.34, by adding a subdivision."

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

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

S. F. No. 845: A bill for an act relating to St. Louis county Independent School District No. 710; providing for separate election districts.

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

S. F. No. 737: A bill for an act relating to local government; providing leaves of absence for certain governmental officers and employees elected to city or county office; amending Minnesota Statutes 1976, Section 3.088, Subdivisions 1, 2 and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, before "*section*" insert "*this*"

Page 1, line 13, strike " 3.088 "

Page 1, line 16, strike " engages in service " and insert " *serves* "

Page 1, line 21, before " *section* " insert " *this* "

Page 1, line 21, strike " 3.088 "

Page 2, line 2, before " *section* " insert " *this* "

Page 2, line 2, strike " 3.088 "

Page 2, line 5, strike " *elected office* " and insert " *the term to which he was elected* "

Page 2, line 8, strike " *entry into the elected* " and insert " *taking office as a* "

Page 2, line 8, before the comma, strike " *office* " and insert " *officer* "

Page 2, line 8, strike " *to* " and insert " *shall be placed in* "

Page 2, line 17, after " *or* " insert " *, in the case of an elected city or county official,* "

Page 2, line 18, strike " *of elected city or* "

Page 2, line 19, strike " *county office* " and insert " *to which he was elected* "

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 437: A bill for an act relating to assumed business names; amending Minnesota Statutes 1976, Sections 333.01; 333.04; and 333.06; and Chapter 333, by adding sections; repealing Minnesota Statutes 1976, Sections 333.02; 333.03; and 333.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1976, Section 301.09, is amended to read:

301.09 [POWERS COMMON TO CORPORATIONS.] Every corporation shall have power:

(1) To continue as a corporation for the time limited in its

articles of incorporation, or, if no such time limit is specified, then perpetually;

(2) To sue and be sued;

(3) To adopt, use, and, at will, alter a corporate seal, but failure to affix the corporate seal, if any, shall not affect the validity of any instrument;

(4) To acquire, hold, lease, encumber, convey, or otherwise dispose of real and personal property within or without the state, and to take real and personal property by will or gift, subject to any limitation prescribed by law or the articles of incorporation;

(5) To conduct business in this state and elsewhere;

(6) To enter into obligations or contracts and to do any acts incidental to the transaction of its business or expedient for the attainment of the purposes stated in its articles;

(7) To indemnify persons against certain expenses and liabilities as provided in section 301.095; and

(8) Unless otherwise provided in the articles of incorporation, to participate with others in any corporation, partnership, limited partnership, joint venture, trust, or other association of any kind, or in any transaction, undertaking, or arrangement which the participating corporation would have power to conduct by itself whether or not such participation involves sharing or delegation of control with or to others ; and

(9) *To conduct all or part of its business under one or more assumed names as provided by section 3 of this act and sections 333.01 to 333.06 ."*

Page 2, line 4, reinstate the stricken "The"

Page 2, line 5, reinstate the stricken language

Page 2, line 6, reinstate "the county"

Page 2, line 8, after the stricken "newspaper" insert "*in which the person conducts, transacts, or intends to conduct or transact such business, for two successive issues*" and reinstate the stricken period

Page 2, line 11, strike "333.025" and insert "333.001"

Page 2, line 12, before "sections" insert "*this section and*"

Page 2, line 13, after "given" insert "*, unless the context clearly indicates that a different meaning is intended*"

Page 2, line 14, strike "includes" and insert "means"

Page 2, strike lines 15 through 18 and insert "*persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; or any other business organization.*"

Page 2, line 19, strike "includes" and insert "means"

Page 2, line 23, strike "and" and insert "or"

Page 2, line 26, strike "*includes*" and insert "*means*"

Page 2, line 29, strike "*said*" and insert "*the*"

Page 2, line 31, strike "*execution*" and insert "*executed*"

Page 3, line 2, strike "*and*" and insert "*or*"

Page 3, line 10, after "*filed*" insert "*with proof of publication*"

Page 3, line 19, strike "*such*" and insert "*the*"

Page 3, line 20, strike "*receive*" and insert "*charge the applicant*"

Page 3, line 21, strike "*5*" and insert "*6*"

Page 3, line 29, after "*certificate*" insert "*with proof of publication*"

Page 3, line 31, after "*within*" insert "*the*"

Page 3, line 31, strike "*months*" and insert "*month period*"

Page 4, line 1, strike "*to be furnished*" and insert "*prescribed*"

Page 4, line 2, strike "*,*" and insert "*provided that*"

Page 4, strike line 3

Page 4, line 4, strike "*application for renewal*"

Page 4, line 10, before "*six*" insert "*at least*"

Page 4, line 16, strike "*furnished*" and insert "*prescribed*" and strike "*aforementioned*"

Page 4, line 17, strike "*therefor*" and insert "*prescribed by subdivision 5*"

Page 4, line 17, after "*within*" insert "*the*"

Page 4, line 17, strike "*months*" and insert "*month period*"

Page 4, line 18, strike "*,*" and insert "*provided the assumed name is*" and insert a period

Page 4, strike line 19

Page 4, line 20, strike "*courts*" and insert "*court as directed by the secretary of state*"

Page 4, line 20, strike "*within*" and insert "*no later than*"

Page 4, line 21, strike "*notify all*" and insert "*furnish to the secretary of state the names and last known addresses of all persons who have filed assumed name certificates prior to the effective date of this act. Upon receipt of the names and addresses, but no later than 18 months after the effective date of this act, the secretary of state shall notify all persons whose names and addresses have been furnished by the clerks of district court of the date of expiration of the certificates and provide instructions for renewal thereof*"

Page 4, strike lines 22 and 23

Page 4, line 24, strike "*unless renewed*"

Page 4, line 29, after "*certificate*" insert "*or amended certificate*"

Page 4, line 31, strike "*Registration*" and insert "*Certificate*"

Page 5, line 2, after "*of*" insert "*section 3 of this act and*"

Page 5, line 3, strike "*above*" and insert "*prescribed*"

Page 5, line 6, strike "*such*"

Page 5, line 7, after "*shall*" insert "*, within 20 days after the filing,*"

Page 5, line 9, after "*for*" strike "*such*" and insert "*the*"

Page 5, line 9, after "*name*" insert "*or a similar assumed name,*"

Page 5, line 9, after "*of*" strike "*such*" and insert "*the*"

Page 5, line 10, strike "*and such notice shall specify the name and*" and insert "*including in the notice the name and last known address of the person so filing.*"

Page 5, strike lines 11 and 12

Page 5, line 17, after "*of*" insert "*section 3 of this act and*"

Page 5, lines 18 and 19, reinstate the stricken language

Page 5, line 24, after "*by*" insert "*section 3 of this act and*"

Page 5, line 31, strike "*333.02,*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "*permitting and regulating conduct of business under assumed business name;*"

Page 1, line 3, after "*Sections*" insert "*301.09;*"

Page 1, line 6, strike "*333.02;*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 612: A bill for an act relating to the trunk highway system; adding a new route in substitution of an existing route.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 785: A bill for an act relating to the counties of Hennepin and Scott; directing the counties to design and construct a temporary replacement of the Bloomington ferry bridge.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [BLOOMINGTON FERRY BRIDGE; LEGISLATIVE FINDINGS.] The legislature finds that the reconstruction and replacement of the existing deficient superstructure of the Bloomington ferry bridge on Hennepin county state-aid highway No. 18 and Scott county state-aid highway No. 18 over the Minnesota river, to provide safe and convenient travel for citizens of the state who must cross the Minnesota river between Shakopee and interstate highway marked No. 35W, is of an emergency nature.

Sec. 2. [HENNEPIN AND SCOTT COUNTIES; DESIGN, RECONSTRUCTION AND REPLACEMENT OF BLOOMINGTON FERRY BRIDGE.] The legislature directs the counties of Hennepin and Scott to reconstruct and replace the deficient superstructure of the Bloomington ferry bridge to meet the minimum width requirements of Minnesota Statutes, Section 165.04, but such bridge shall not be required to conform to any minimum width requirements contained in any rules of the commissioner of transportation promulgated pursuant to Minnesota Statutes 1976, section 162.02.

Sec. 3. [BRIDGE LOADING.] Notwithstanding any minimum loading restrictions contained in any rules of the commissioner of transportation promulgated pursuant to Minnesota Statutes 1976, section 162.02, the bridge shall be designed to accommodate an H-15 loading, as defined in the American Association of State Highway and Transportation Officials' standard specifications for highway bridge design. The counties shall prohibit any vehicle or combination of vehicles exceeding this design loading from using the bridge.

Sec. 4. [STATE AGENCIES TO COOPERATE.] All state agencies shall fully cooperate with the counties in expediting the reconstruction and replacement of the bridge.

Sec. 5. [BRIDGE TO BE TEMPORARY.] It is the intent of the legislature that the bridge directed by this act to be reconstructed and replaced be of a temporary nature to be in service, except in the event of an emergency, for a period of from eight to ten years following its completion.

Sec. 6. [EFFECTIVE DATE.] This act is effective the day following its final enactment.”

Further amend the title as follows:

Page 1, line 5, strike the comma and insert a period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 12: A bill for an act proposing an amendment repealing Article XIII, Section 5, of the Minnesota Constitution; permitting lotteries.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. An amendment to the Minnesota Constitution, is proposed to the people whereby Article XIII, Section 5, would be amended to read:

Sec. 5. The legislature shall not authorize any lottery or the sale of lottery tickets *except a state-operated lottery.*

Sec. 2. The amendment shall be submitted at the 1978 general election. The question proposed shall be:

“Shall the Minnesota Constitution be amended to permit state-operated lotteries?

Yes
No ” ”

Amend the title as follows:

Page 1, line 2, strike “repealing” and insert “amending”

Page 1, line 4, after “permitting” insert “state-operated”

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 158: A bill for an act relating to counties; payments in lieu of taxes on certain tax exempt land; appropriating funds.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [PAYMENTS IN LIEU OF TAXES ON CERTAIN TAX EXEMPT LANDS.] Subdivision 1. As used in this section “tax exempt land” means land within the state which is:

(a) Tax forfeited land which is owned by the state and administered by the county in which located; or

(b) Lands within the following categories in which the state holds any possessory interest and which are administered by the commissioner of natural resources: any state-owned lands specified in sections 84A.01, 84A.20, and 84A.31; state parks specified in section 85.012; state trails specified in section 85.015; canoe and boating route campsites, rest areas, river accesses, and portages specified in section 85.32; state scientific and natural areas established pursuant to section 86A.05, subdivision 5; state wilderness

areas established pursuant to section 86A.05, subdivision 6; state wildlife management areas established by section 86A.05, subdivision 8; state water access sites established by section 86A.05, subdivision 9; state wild, scenic, recreational rivers established by section 86A.05, subdivision 10; state historic sites established by section 86A.05, subdivision 11; state rest areas established by section 86A.05, subdivision 12; state forests established by section 89.021; state public lands as defined in section 92.01; wildlife lands acquired pursuant to section 97.481; and conservation lands accepted pursuant to section 282.01, subdivision 2.

Subd. 2. There is appropriated from the general fund for payment to the several counties within the state annually an amount equal to 75 cents per acre multiplied by the number of acres of tax exempt land situated in each county as of July 1 of each year. Each county auditor shall certify to the department of finance during July of each year the number of acres of tax exempt land within his county. The department of finance may, in addition to the certification of acreage, require descriptive lists of land so certified.

Subd. 3. Payments to the counties shall be made from the general fund during the month of January of the year next following certification. There shall be deducted from amounts paid any amounts paid to a county or township during the preceding year under any other law, except section 93.283, subdivision 7, authorizing or directing payments in lieu of taxes.

Subd. 4. If the amount paid to any county exceeds \$5,000, 25 per cent of the total amount shall be apportioned among the townships within the county in proportion to the acreage of tax exempt land in each, provided that the amount apportioned to any unorganized township shall be paid to the county general fund; 50 percent shall be apportioned to a public land management fund of the county for use in forest management, game and fish habitat improvement, and recreational development and maintenance. The balance of funds received shall remain in the county general revenue fund to be used for authorized purposes.

Sec. 2. This act is effective July 1, 1977."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 207: A bill for an act relating to historic sites; providing for the administration and control of additional sites by the Minnesota historical society; appropriating money; amending Minnesota Statutes 1976, Section 138.025, by adding subdivisions; repealing Minnesota Statutes 1976, Section 138.025, Subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after "section" insert "and as hereinafter provided"

Page 1, line 22, delete "county state-aid highway No. 12," and insert "the town road"

Page 2, line 1, delete "540" and insert "1,690"

Page 2, delete lines 2 to 7, and insert: "*thence south 79 degrees 30 minutes east 500 feet; thence south 10 degrees 30 minutes 1,600 feet to the north bank of the south branch of the Root River; thence westerly (upstream) along the north bank 150 feet, more or less to the point of beginning; containing 18.9 acres more or less.*"

The commissioner of natural resources and the Minnesota historical society shall jointly prepare and enter into an agreement which delineates the responsibilities of each party in the management of the Forestville state historic site. The agreement shall be consistent with the management plan for Forestville state park prepared in compliance with the outdoor recreation act of 1975."

Page 2, line 12, delete "and control the historic"

Page 2, delete lines 13 to 22, and insert: "*an interpretive program and develop an interpretive center relating to the discovery of the source of the Mississippi river, the Mississippi headwaters region and the establishment of Itasca State Park.*"

Page 2, delete lines 27 and 28.

Further amend the title as follows:

Line 6, delete "; repealing" and insert "."

Delete lines 7 and 8.

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 681: A bill for an act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, strike "January" and insert "February"

Page 1, line 21, strike "January" and insert "February"

Page 2, line 15, strike "January" and insert "February"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 562: A bill for an act relating to the practice of chiropractic; prescribing academic requirements for licensure, grounds for disciplinary action, and penalties; amending Minnesota Statutes 1976, Sections 148.06, Subdivision 1; and 148.10, Subdivision 1, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 8, strike "ardent spirits," and insert "*alcohol or drugs*"

Page 4, line 9, strike "narcotics, or stimulants"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 144: A bill for an act relating to appropriations; establishing the Father Miller memorial chapel fund.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, strike "\$156,624.41" and insert "The sum of \$209,995.57"

Page 1, line 10, after "prison" insert "or at a new state maximum security prison if one is authorized by the 1977 legislature"

Page 1, line 10, strike "\$156,624.41" and insert "\$209,995.57"

Page 1, line 12, strike "April 4, 1972" and insert "January 1, 1977"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 682: A bill for an act relating to Anoka county; creating a housing and redevelopment authority; applying the provisions of the municipal housing and redevelopment act to Anoka county; providing for local approval of projects.

Reports the same back with the recommendation that the bill do pass. Mr. Knoll questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 684: A bill for an act relating to Anoka county; creating an accrual accounting system; providing for purchase and payments for goods and services.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 683: A bill for an act relating to the establishment of parks, playgrounds and scenic areas by the county of Anoka; amending Laws 1961, Chapter 209, Sections 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after the period, insert "*For the purposes of this section "scenic areas" shall be defined as those areas the county board deems suitable for aesthetic, environmental, recreational or open space purposes.*"

Page 2, line 2, after the period, insert "*All condemnation proceedings shall be instituted in the name of the county and conducted in the manner provided by Minnesota Statutes, Chapter 117.*"

Page 2, line 4, strike "30" and insert "60"

And when so amended the bill do pass and be re-referred to the Committee on Agriculture and Natural Resources. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was re-referred

S. F. No. 160: A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivisions 1 and 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.06, Subdivision 5; 271.11; 271.14; and 271.16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, after "years" insert "*commencing at the expiration of the preceding term*"

Page 2, line 8, after the period insert "*Any vacancy shall be filled by the governor for the unexpired term, subject to confirmation by the senate. The terms of the judges shall end on the first Monday in January. The terms of the judges shall continue to be staggered. Judges may serve until their successors are appointed and qualify.*"

Page 2, line 11, strike "So far as practicable, they shall be non-partisan"

Page 2, strike lines 12 and 13

Page 2, line 14, strike "political party or organization."

Page 3, line 19, strike "*Subject to appeal to the Supreme court*" and insert "*Except for an appeal to the supreme court or any other appeal allowed under this subdivision*"

Page 3, line 22, after "state" insert ", as defined in this subdivision,"

Page 3, strike line 23

Page 3, line 24, strike "*rule, subject to approval by the supreme court*" and insert "*cases that have been appealed to the tax court and in any case that has been transferred by the district court to the tax court*"

Page 3, line 29, after "The" and before "tax" insert "*small claims division of the*"

Page 4, line 1, before the period insert ", except for those taxpayers whose original assessments are determined by the commissioner of revenue"

Page 4, line 9, after "laws" insert "*of this state*"

Page 4, line 10, after "This" insert "*subdivision*"

Page 5, line 16, strike "*chambers*" and insert "*courtrooms*"

Page 5, line 19, strike "*court chambers*" and insert "*courtrooms*"

Page 5, line 21, strike "*the taxpayer*" and insert "*a party to a case*"

Page 5, line 25, after "be" insert ", at the election of the taxpayer,"

Page 6, line 14, after the period insert "*Notwithstanding subdivision 2 of this section, when an appeal is taken to the tax court in any case dealing with property valuation, assessment, or taxation for property tax purposes, the provisions of section 274.19, subdivisions 4 and 5, section 277.011, and chapter 278 shall apply as if the appeal had been taken to the district court.*"

Page 6, line 21, strike "*or of the county board of equalization,*"

Page 9, line 7, strike "upon the issues made by"

Page 9, line 8, strike "the notice and the return"

Page 9, line 29, after "court" and before the period insert ", where practicable"

Page 9, line 29, after the period insert "*The rules of the tax court in effect on the effective date of this act shall govern until superseded.*"

Page 9, line 30, after "require" insert ", provided that before any additional rule is adopted, the tax court first holds a public hearing thereon, affording all affected interests an opportunity to participate, and gives notice of its intention to hold such a

hearing at least 30 days prior to the date set for the hearing by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the secretary of state for that purpose and in the state register. The notice in the state register shall include the full text of the rule proposed for adoption. The tax court shall make available at least one free copy of the proposed rule to any person requesting it. At the public hearing the tax court shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the tax court by law. After the hearing ends, 20 days shall be allowed for written material to be submitted and recorded in the hearing record. If the tax court approves the rule, the tax court shall promptly file it in the office of the secretary of state. A rule shall become effective 20 days after its publication in the state register unless a later date is specified in the rule. Any rule adopted after July 1, 1977, which is not published in the state register, shall be of no effect²⁵

Page 11, line 17, after "act" insert ", unless an appeal is taken to the district court"

Page 13, line 10, strike "complaint" and insert "taxpayer"

Page 13, line 10, after "becomes due" delete the comma

Page 13, line 11, strike old language and delete new language

Page 13, strike lines 12 to 16

Page 13, line 17, strike "therein;"

Page 13, line 21, strike the comma

Page 13, line 22 after the period insert "*The provisions of section 274.19, subdivision 5, section 277.011, subdivision 3, and section 278.03 shall govern the filing with the tax court of an appeal dealing with property valuation, assessment, or taxation for property tax purposes, as if the appeal had been taken to the district court.*"

Page 14, strike all of section 18

Page 14, lines 22 and 23, restore the stricken language

Page 14, line 22 strike the restored "20" and insert "60"

Page 14, line 24 restore the stricken "court of appeals," and after the restored comma insert "*or the making and filing of an order on a petition for rehearing,*"

Page 14, lines 26 to 32, restore the stricken language and delete the new language.

Page 15, lines 1 to 12, restore the stricken language

Page 15, lines 12 to 15, strike the new language

Page 20, line 10, after "valuation" insert ", assessment,"

Page 21, line 3, after "the" insert "small claims division of the"

Page 21, line 3, after "court" insert "*except for those taxpayers whose original assessments are determined by the commissioner of revenue*"

Page 22, line 7, after the period insert "*No judgment shall be rendered in a case dealing with property valuation or assessment for property tax purposes until after the state board of equalization has issued its order, if any, for that area or property.*"

Page 22, strike lines 10 to 13

Page 23, line 2, strike "members" and insert "judges"

Page 23, line 5, strike "members" and insert "judges"

Page 23, line 8, after "act" insert "*by the judges of the tax court who heard the case, and they shall be paid a per diem of \$175 per day for each day spent for the completion of his tax court work, unless they are appointed to the tax court created by this act*"

Page 24, line 1, after "except" insert "*that the sales ratio studies shall be admissible as a public record without the laying of a foundation in*"

Page 24, line 4, strike "*, as a public record without the laying of a*"

Page 24, line 5, strike "foundation"

Page 24, line 32, strike "271.06, Subdivision"

Page 25, line 1, strike "5;"

Renumber the sections in sequence

Amend the title as follows:

Line 11, strike "Subdivisions 1 and" and insert "Subdivision"

Line 16, strike "271.06, Subdivision 5;"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 652: A bill for an act relating to health care; establishing a program for the care and treatment of hemophiliacs; providing certain financial assistance to hemophiliacs; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 17 to 23

Page 2, strike line 1

Renumber subsequent subdivisions in sequence

Page 2, line 2, strike "COUNCIL" and insert "TASK FORCE"

Page 2, line 3, strike "council" and insert "task force"

Page 2, line 4, after "program" insert "provided for in subdivision 3"

Page 2, line 5, strike "committee" and insert "task force"

Page 2, line 10, after "15.059" insert ", subdivision 6"

Page 2, line 10, strike "council" and insert "task force"

Page 2, line 12, strike "year" and insert "quarter"

Page 2, line 12, strike "The"

Page 2, strike lines 13 to 16

Page 2, line 30, after "hemophilia" insert "who are unable to pay for or obtain third party reimbursement from any private or public source, including chapters 62E and 256B, for the entire cost of care and treatment. The financial assistance may be used"

Page 3, line 4, strike "patient"

Page 3, line 6, after "assistance" insert "on the basis of financial need"

Page 3, line 13, after "rules" insert ", including emergency rules,"

Page 3, line 17, after "\$500,000" insert "for the biennium ending June 30, 1979"

Page 3, line 17, after the period insert, "No more than \$5,000 of the appropriation shall be used for administration and the expenses of the advisory task force."

Page 3, line 17, strike "Notwithstanding"

Page 3, strike lines 18 to 23

Further amend the title as follows:

Page 1, line 2, strike "a program" and insert "an advisory task force"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 649: A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' and auditors' bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2;

273.04; 273.05, Subdivisions 1 and 2; 273.06; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, strike "section" and insert "sections"

Page 2, line 16, after "270.493" insert "and 270.50"

Page 2, line 19, strike "counties enumerated in Minnesota Statutes" and insert "Ramsey county"

Page 2, line 20, strike "1971, Section 391.02"

Page 3, line 20, strike "townships" and insert "towns"

Page 3, line 22, strike "counties enumerated" and insert "Ramsey county"

Page 3, line 23, strike "in Minnesota Statutes 1971, Section 391.01"

Page 3, line 26, after "days" insert "from the latter of the effective date of this act or the date of incorporation or organization"

Page 4, line 11, after "homesteaded," insert "and in the case of a newly constructed residence as if the construction were completed,"

Page 4, line 11, strike ", with respect to the"

Page 4, line 12, strike "purchased property"

Page 4, line 13, strike ", and in the case of property"

Page 4, strike lines 14 and 15

Page 4, line 16, strike "homesteaded"

Page 6, lines 17, 18, and 19, strike the new language

Page 7, after line 26, insert:

"Sec. 10. Minnesota Statutes 1976, Section 273.061, Subdivision 3, is amended to read:

Subd. 3. [OATH.] Every county assessor, before entering upon his duties, shall take and subscribe the oath required of public officials ; and shall give bond to the state in the form required by statute, in such sum as the board of county commissioners may determine."

Renumber the sections accordingly

Further amend the title as follows:

Page 1, line 7, strike "and auditors"

Page 1, line 7, after "bonds;" insert "eliminating certification of local treasurers' bonds;"

Page 1, line 14, after "273.06;" insert "273.061, Subdivision 3;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 116: A bill for an act relating to trade regulations; providing for unit pricing of certain packaged commodities; providing for exemptions; providing for penalties.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, after line 2, insert:

"Sec. 6. [APPROPRIATION.] The sum of \$5,000 is appropriated from the general fund to the director of consumer services for the promulgation of regulations pursuant to section 4 of this act, to be available until June 30, 1978."

Page 7, strike lines 3 to 8 and insert:

"Sec. 7. [EFFECTIVE DATE.] This act is effective July 1, 1977, except that commodities required to be unit priced pursuant to section 1 need not be unit priced until January 1, 1978."

Amend the title as follows:

Page 1, line 4, after "penalties" insert "; appropriating money"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Borden from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 32, 105, 13, 345, 265, 651, 376, 757, and H. F. No. 283, makes the following report:

That S. F. Nos. 32, 105, 13, 345, 265, 651, 376, 757, and H. F. No. 283 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which were referred

H. F. Nos. 57, 262, 301 for comparison to 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.
57	146				
262	383				
301	219				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 57 be amended as follows:

Page 2, line 29, delete "*while*" and insert "*which is*"

Page 7, line 7, delete "*as*"

And when so amended, H. F. No. 57 will be identical to S. F. No. 146 and further recommends that H. F. No. 57 be given its second reading and substituted for S. F. No. 146 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 262 be amended as follows:

Page 2, lines 10 and 11, reinstate the stricken language

Further amend the title in line 4 after "commissioner" by inserting a comma and deleting the first "and"

Line 5, after "affairs" insert ", and veterans service officers"

And when so amended, H. F. No. 262 will be identical to S. F. No. 383 and further recommends that H. F. No. 262 be given its second reading and substituted for S. F. No. 383 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 301 be amended as follows:

Page 1, delete lines 10 to 23

Delete page 2

Delete page 3

Page 4, delete lines 1 to 18

Renumber the remaining section

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to veterans; redefining the word "veteran" for certain purposes; amending Minnesota Statutes 1976, Section 197.447."

And when so amended, H. F. No. 301 be identical to S. F. No. 219 and further recommends that H. F. No. 301 be given its second reading and substituted for S. F. No. 219 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 813, 812 and 684 were read the second time.

S. F. Nos. 695, 388, 348, 395, 450, 774, 368, 208, 241, 845, 737, 612, 785, 681, 562, 649 and 116 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 301, 262 and 57 were read the second time.

H. F. No. 114 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the names of Messrs. Peterson, Schmitz and Penny be added as co-authors to S. F. No. 44. The motion prevailed.

Mr. Renneke moved that his name be stricken as co-author to S. F. No. 176. The motion prevailed.

Mr. Ulland, J. moved that the name of Mr. Sieloff be added as co-author to S. F. No. 477. The motion prevailed.

Mr. Willet moved that the name of Mr. Ashbach be added as co-author to S. F. No. 534. The motion prevailed.

Mr. Nelson moved that the name of Mr. Merriam be added as co-author to S. F. No. 645. The motion prevailed.

Mr. Penny moved that his name be stricken as co-author to S. F. No. 795. The motion prevailed.

Mr. Merriam moved that the name of Mr. Luther be added as co-author to S. F. No. 896. The motion prevailed.

Mr. Ulland, J. moved that his name be stricken as co-author to S. F. No. 939. The motion prevailed.

Mr. Humphrey moved that the name of Mr. Nelson be added as co-author to S. F. No. 966. The motion prevailed.

Mr. Menning moved that the name of Mr. Kleinbaum be added as co-author to S. F. No. 990. The motion prevailed.

Mr. Menning moved that the name of Mr. Solon be added as co-author to S. F. No. 1008. The motion prevailed.

Mr. Coleman, for the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the positions hereinafter stated and at the salaries heretofore fixed.

Rev. Roy M. Lindquist, Chaplain, effective April 4, 1977

Rev. David Rebeck, Chaplain, effective April 18, 1977

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Coleman moved that Senate Concurrent Resolution No. 7, pertaining to Joint Rules be taken from the table. The motion prevailed.

Mr. Coleman moved that the Senate concur in the amendments

by the House to Senate Concurrent Resolution No. 7. The motion prevailed.

Mr. Coleman moved that Senate Concurrent Resolution No. 7 be now adopted, as amended.

The question was taken on the adoption of the resolution, as amended.

The roll was called, and there were yeas 46 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Luther	Penny	Staples
Benedict	Hughes	McCutcheon	Perpich	Stokowski
Borden	Humphrey	Menning	Purfeerst	Strand
Chenoweth	Johnson	Merriam	Schaaf	Vega
Chmielewski	Keefe, S.	Milton	Schmitz	Wegener
Coleman	Kleinbaum	Moe	Schrom	Willet
Davies	Knoll	Nelson	Setzepfandt	
Dieterich	Laufenburger	Nichols	Sikorski	
Gearty	Lessard	Olhoft	Solon	
Gunderson	Lewis	Olson	Spear	

Those who voted in the negative were:

Ashbach	Dunn	Kirchner	Pillsbury	Sillers
Bernhagen	Frederick	Knutson	Renneke	Ueland, A.
Brataas	Jensen	Ogdahl	Sieloff	Ulland, J.

The motion prevailed. So the resolution pertaining to Joint Rules, as amended, was adopted.

Mr. Johnson moved that his name be stricken as chief author, added as co-author and the name of Mr. Perpich be added as chief author to S. F. No. 459. The motion prevailed.

Mr. Ashbach moved that the name of Mr. Jensen be added as co-author to S. F. No. 401. The motion prevailed.

Mr. Chenoweth moved that S. F. No. 1078 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Transportation. The motion prevailed.

Mr. Ulland, J. moved that the name of Mr. Sieloff be stricken and the name of Mr. Chmielewski be added as co-author to S. F. No. 477.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 147: A bill for an act relating to commerce; limiting deficiency judgments in consumer transactions; restricting waiver of garnishment exemptions; amending Minnesota Statutes 1976, Section 550.37, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Kleinbaum	Milton	Sikorski
Benedict	Gearty	Knoll	Moe	Spear
Borden	Hanson	Lewis	Nelson	Staples
Chenoweth	Hughes	Luther	Penny	Stokowski
Chmielewski	Humphrey	McCutcheon	Perpich	Strand
Coleman	Johnson	Menning	Peterson	Stumpf
Davies	Keefe, S.	Merriam	Schaaf	

Those who voted in the negative were:

Ashbach	Jensen	Ogdahl	Schmitz	Ueland, A.
Bernhagen	Kirchner	Olhoft	Schrom	Ulland, J.
Brataas	Knutson	Olson	Setzpfandt	Vega
Dunn	Laufenburger	Pillsbury	Sieloff	Wegener
Frederick	Lessard	Purfeerst	Sillers	Willet
Gunderson	Nichols	Renneke	Solon	

So the bill passed and its title was agreed to.

S. F. No. 226: A bill for an act relating to minimum wage; providing a higher minimum wage; amending Minnesota Statutes 1976, Section 177.24.

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 57 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Olson	Spear
Ashbach	Gunderson	Lewis	Penny	Staples
Benedict	Hanson	Luther	Perpich	Stokowski
Borden	Hughes	McCutcheon	Peterson	Strand
Brataas	Humphrey	Menning	Purfeerst	Stumpf
Chenoweth	Johnson	Merriam	Schaaf	Ulland, J.
Chmielewski	Keefe, S.	Milton	Schmitz	Vega
Coleman	Kirchner	Moe	Setzpfandt	Wegener
Davies	Kleinbaum	Nelson	Sieloff	Willet
Dieterich	Knoll	Nichols	Sikorski	
Dunn	Knutson	Ogdahl	Sillers	
Frederick	Laufenburger	Olhoft	Solon	

Messrs. Bernhagen, Pillsbury, Renneke and Schrom voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 319: A bill for an act relating to crimes; regulating public dances; amending Minnesota Statutes 1976, Sections 624.42, and 624.46.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Penny	Spear
Ashbach	Gunderson	Lewis	Perpich	Staples
Benedict	Hanson	Luther	Peterson	Stokowski
Bernhagen	Hughes	McCutcheon	Pillsbury	Strand
Borden	Humphrey	Menning	Purfeerst	Stumpf
Brataas	Jensen	Merriam	Renneke	Ueland, A.
Chenoweth	Johnson	Milton	Schmitz	Ulland, J.
Chmielewski	Keefe, S.	Moe	Schrom	Vega
Coleman	Kirchner	Nelson	Setzepfandt	Wegener
Davies	Kleinbaum	Nichols	Sieloff	Willet
Dieterich	Knoll	Ogdahl	Sikorski	
Dunn	Knutson	Olhoft	Sillers	
Frederick	Laufenburger	Olson	Solon	

So the bill passed and its title was agreed to.

S. F. No. 194: A bill for an act relating to cemeteries; prohibiting trespassing on public or private cemeteries; providing penalties; amending Minnesota Statutes 1976, Section 609.605.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lewis	Penny	Solon
Ashbach	Hanson	Luther	Perpich	Spear
Benedict	Hughes	McCutcheon	Peterson	Staples
Bernhagen	Humphrey	Menning	Pillsbury	Stokowski
Borden	Jensen	Merriam	Purfeerst	Strand
Brataas	Johnson	Milton	Renneke	Stumpf
Chenoweth	Keefe, S.	Moe	Schmitz	Ueland, A.
Chmielewski	Kirchner	Nelson	Schrom	Ulland, J.
Dieterich	Kleinbaum	Nichols	Setzepfandt	Vega
Dunn	Knutson	Ogdahl	Sieloff	Wegener
Frederick	Laufenburger	Olhoft	Sikorski	Willet
Gearty	Lessard	Olson	Sillers	

Messrs. Davies and Knoll voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 401: A bill for an act relating to motor vehicles, modifying certain motor vehicle dealer licensing requirements, amending Minnesota Statutes 1976, Section 168.27, Subdivisions 2 and 10.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Chenoweth	Davies	Frederick
Ashbach	Borden	Chmielewski	Dieterich	Gearty
Benedict	Brataas	Coleman	Dunn	Hanson

Hughes	Lessard	Ogdahl	Schrom	Stumpf
Humphrey	Lewis	Olhoft	Setzepfandt	Ueland, A.
Jensen	Luther	Olson	Sieloff	Ulland, J.
Johnson	McCutcheon	Penny	Sikorski	Vega
Keefe, S.	Menning	Perpich	Sillers	Wegener
Kirchner	Merriam	Peterson	Solon	Willet
Kleinbaum	Milton	Pillsbury	Spear	
Knoll	Moe	Purfeerst	Staples	
Knutson	Nelson	Renneke	Stokowski	
Laufenburger	Nichols	Schmitz	Strand	

Mr. Gunderson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 193: A bill for an act relating to courts; providing terms for district judges designated as juvenile judges in Hennepin and Ramsey counties; providing terms for district judges designated as family court judges in Hennepin county; amending Minnesota Statutes 1976, Sections 260.021, Subdivisions 2 and 3; and 484.65, Subdivisions 1 and 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lewis	Perpich	Spear
Benedict	Hanson	Luther	Peterson	Staples
Borden	Humphrey	McCutcheon	Purfeerst	Stokowski
Chenoweth	Jensen	Menning	Schmitz	Stumpf
Chmielewski	Johnson	Merriam	Schrom	Vega
Coleman	Keefe, S.	Moe	Setzepfandt	Wegener
Davies	Kleinbaum	Nelson	Sikorski	Willet
Dieterich	Laufenburger	Olhoft	Solon	

Those who voted in the negative were:

Ashbach	Kirchner	Nichols	Renneke	Ulland, J.
Bernhagen	Knoll	Ogdahl	Sieloff	
Brataas	Knutson	Olson	Sillers	
Dunn	Lessard	Penny	Strand	
Gearty	Milton	Pillsbury	Ueland, A.	

So the bill passed and its title was agreed to.

S. F. No. 49: A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Borden	Coleman	Gearty	Humphrey
Ashbach	Brataas	Davies	Gunderson	Jensen
Benedict	Chenoweth	Dunn	Hanson	Keefe, S.
Bernhagen	Chmielewski	Frederick	Hughes	Kirchner

Kleinbaum	Menning	Olson	Setzepfandt	Stumpf
Knoll	Merriam	Penny	Sieloff	Ueland, A.
Knutson	Milton	Perpich	Sikorski	Ulland, J.
Laufenburger	Moe	Peterson	Sillers	Vega
Lessard	Nelson	Purfeerst	Solon	Wegener
Lewis	Nichols	Renneke	Staples	Willet
Luther	Ogdahl	Schmitz	Stokowski	
McCutcheon	Oihoft	Schrom	Strand	

Messrs. Dieterich, Johnson and Pillsbury voted in the negative.
So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 464: A bill for an act relating to licensed occupations; providing for reciprocity in licensing for plumbers licensed in other states; amending Minnesota Statutes 1976, Chapter 326, 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lessard	Olson	Sillers
Ashbach	Hanson	Lewis	Penny	Solon
Benedict	Hughes	Luther	Perpich	Spear
Borden	Humphrey	McCutcheon	Peterson	Staples
Brataas	Jensen	Menning	Pillsbury	Stokowski
Chenoweth	Johnson	Merriam	Purfeerst	Strand
Chmielewski	Keefe, S.	Milton	Renneke	Stumpf
Coleman	Kirchner	Moe	Schmitz	Ueland, A.
Dieterich	Kleinbaum	Nelson	Schrom	Ulland, J.
Dunn	Knoll	Nichols	Setzepfandt	Vega
Frederick	Knutson	Ogdahl	Sieloff	Wegener
Gearty	Laufenburger	Oihoft	Sikorski	Willet

So the bill passed and its title was agreed to.

H. F. No. 382: A bill for an act relating to highway traffic regulations; motorcycle equipment for operators and passengers; noise regulations; amending Minnesota Statutes 1976, Section 169.974, Subdivisions 2 and 4 and by adding a subdivision; and Chapter 169, by adding a section.

Mr. Chenoweth moved that H. F. No. 382, No. 10 on the Calendar, be stricken and re-referred to the Committee on Health, Welfare and Corrections. The motion did not prevail.

H. F. No. 382 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 39 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Luther	Purfeerst	Solon
Ashbach	Humphrey	Milton	Renneke	Spear
Benedict	Jensen	Moe	Schaaf	Staples
Bernhagen	Keefe, S.	Nelson	Schmitz	Stokowski
Borden	Kirchner	Olhoff	Setzpfandt	Stumpf
Dieterich	Kleinbaum	Olson	Sieloff	Ueland, A.
Dunn	Knoll	Peterson	Sikorski	Vega
Frederick	Lewis	Pillsbury	Sillers	

Those who voted in the negative were:

Brataas	Hanson	Laufenburger	Nichols	Strand
Chmielewski	Hughes	Lessard	Penny	Ulland, J.
Davies	Johnson	Menning	Perpich	Wegener
Gunderson	Knutson	Merriam	Schrom	Willett

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Keefe, S. moved that S. F. No. 76 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

S. F. No. 76: A bill for an act relating to commerce; extending the effective date of certain provisions of law that require tents and sleeping bags to be flame resistant; amending Laws 1975, Chapter 341, Section 6.

Mr. Keefe, S. moved that the Senate concur in the amendments by the House to S. F. No. 76 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 76 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 60 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Olson	Sillers
Ashbach	Gearty	Lessard	Penny	Solon
Benedict	Gunderson	Lewis	Perpich	Spear
Bernhagen	Hanson	Luther	Peterson	Staples
Borden	Hughes	McCutcheon	Pillsbury	Stokowski
Brataas	Humphrey	Menning	Purfeerst	Strand
Chenoweth	Jensen	Merriam	Renneke	Stumpf
Chmielewski	Keefe, S.	Moe	Schaaf	Ueland, A.
Coleman	Kirchner	Nelson	Schmitz	Ulland, J.
Davies	Kleinbaum	Nichols	Schrom	Vega
Dieterich	Knoll	Ogdahl	Setzpfandt	Wegener
Dunn	Knutson	Olhoff	Sieloff	Willett

Messrs. Johnson and Sikorski voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Monday, April 4, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTIETH DAY

St. Paul, Minnesota, Monday, April 4, 1977

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Roy M. Lindquist.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Peterson	Stokowski
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Borden	Humphrey	Menning	Renneke	Tennesen
Brataas	Jensen	Merriam	Schaaf	Ueland, A.
Chenoweth	Johnson	Milton	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schrom	Vega
Coleman	Keefe, S.	Nelson	Setzepfandt	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olhoft	Sillers	
Engler	Knutson	Olson	Solon	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 31, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 21, 107, 183, and 250.

Sincerely,
Rudy Perpich, Governor

March 31, 1977

The Honorable Martin O. Sabo
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 1977 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 1977	Date Filed 1977
21		7	March 31	March 31
107		8	March 31	March 31
183		9	March 31	March 31
250		10	March 31	March 31
	260	11	March 31	March 31

Sincerely,
Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Pillsbury; Ueland, A. and Jensen introduced—

S. F. No. 1079: A bill for an act relating to taxation; providing for credit against income tax for contributions to candidates for local elective offices; amending Minnesota Statutes 1976, Section 290.06, Subdivision 11.

Referred to the Committee on Elections.

Messrs. Kleinbaum, Stumpf and Schrom introduced—

S. F. No. 1080: A bill for an act relating to education; higher education coordinating board; transferring authority for approval of schools of nursing to the board; amending Minnesota Statutes 1976, Section 148.251, Subdivisions 1, 3, and by adding a subdivision.

Referred to the Committee on Education.

Mrs. Staples; Messrs. Keefe, S.; Humphrey; Milton and Sikorski introduced—

S. F. No. 1081: A bill for an act relating to welfare; providing for personal allowances to disabled persons in care facilities; amending Minnesota Statutes 1976, Section 256B.36.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Wegener, Moe, Willet and Sillers introduced—

S. F. No. 1082: A bill for an act relating to agriculture; produce; inspection; fees; potato grading; labeling and inspection; prohibiting certain sales of artificially colored potatoes; amending Minnesota Statutes 1976, Sections 27.07; 30.10; 30.20; and Chapter 30,

by adding sections; repealing Minnesota Statutes 1976, Sections 30.121; 30.13; 30.14; and 30.478.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf, Gearty and Solon introduced—

S. F. No. 1083: A bill for an act relating to zoning; authorizing cities of the first class to regulate the use of adult oriented establishments.

Referred to the Committee on Judiciary.

Messrs. Stumpf and Hanson introduced—

S. F. No. 1084: A bill for an act relating to dairy products; authorizing promulgation of rules governing production, distribution and sale of raw milk to the public; defining terms; amending Minnesota Statutes 1976, Section 32.393.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S. F. No. 1085: A bill for an act relating to the city of Marshall; authorizing the issuance of general obligation airport bonds.

Referred to the Committee on Local Government.

Messrs. Keefe, S.; Gearty; Dieterich; Davies and Ogdahl introduced—

S. F. No. 1086: A bill for an act relating to licenses fees; increasing maximum fees for off-sale intoxicating liquor licenses; and for licenses for the sale of cigarettes; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 14 and 461.12.

Referred to the Committee on Commerce.

Messrs. Knutson, Kleinbaum, Solon, Johnson and Perpich introduced—

S. F. No. 1087: A bill for an act relating to nonprofit health service plan corporations; modifying retained surplus requirements; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.

Referred to the Committee on Commerce.

Mr. Nichols introduced—

S. F. No. 1088: A bill for an act relating to Lyon county; authorizing a special levy in excess of levy limitations for purposes of paying for services provided by Marshall-Lyon county library.

Referred to the Committee on Local Government.

Messrs. Humphrey and Lewis introduced—

S. F. No. 1089: A bill for an act relating to the university of Minnesota; providing for the establishment of a program for developmental disability; appropriating money.

Referred to the Committee on Education.

Messrs. Solon and Ulland, J. introduced—

S. F. No. 1090: A bill for an act relating to the city of Duluth; clarifying the prohibition on recording and filing conveyances of unplatted property; amending Laws 1933, Chapter 93, Sections 7 and 10, as amended.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 1091: A bill for an act relating to taxation; defining conveyances that must be presented to the auditor before recording; amending Minnesota Statutes 1976, Section 272.12.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 1092: A bill for an act relating to real estate; eliminating a provision requiring the county recorder to prepare a list of certain mortgages on real estate in the county; repealing Minnesota Statutes 1976, Section 272.18.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 1093: A bill for an act relating to taxation; providing for county treasurer to certify taxes prior to certification by county auditor; amending Minnesota Statutes 1976, Chapter 272, by adding a section.

Referred to the Committee on Local Government.

Mr. Chmielewski introduced—

S. F. No. 1094: A bill for an act relating to real estate; providing for deed tax to be apportioned between the state general fund and county revenue fund; amending Minnesota Statutes 1976, Sections 287.21, Subdivision 2; and 287.29, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon, Kleinbaum, Vega, Stokowski and Olson introduced—

S. F. No. 1095: A bill for an act relating to the organization of state government; creating a fire service education and research advisory council in the department of public safety; superseding an executive order agency.

Referred to the Committee on Governmental Operations.

Messrs. Sikorski and Chmielewski introduced—

S. F. No. 1096: A bill for an act relating to highway traffic regulations; required equipment on certain vehicles; exempting military vehicles of the United States from wheel flap requirements; amending Minnesota Statutes 1976, Section 169.733.

Referred to the Committee on Transportation.

Mrs. Brataas, Messrs. Jensen, Ashbach, Knutson and Sieloff introduced—

S. F. No. 1097: A bill for an act relating to elections; providing that vacancies in the United States senate be filled by special election; amending Minnesota Statutes 1976, Section 202A.61; repealing Minnesota Statutes 1976, Section 202A.72.

Referred to the Committee on Elections.

Messrs. Sikorski, Luther, Mrs. Staples, Messrs. Nelson and Ulland, J. introduced—

S. F. No. 1098: A bill for an act relating to commerce; providing for disclosure of mileage traveled by motor vehicles; amending Minnesota Statutes 1976, Sections 168A.04, Subdivision 1; 168A.05, Subdivision 3; 168A.10, Subdivision 1; and 168A.11, Subdivisions 1 and 3.

Referred to the Committee on Commerce.

Messrs. Renneke, Wegener and Purfeerst introduced—

S. F. No. 1099: A bill for an act relating to plats and surveys; requiring the approval of plats by towns; amending Minnesota Statutes 1976, Sections 505.03, Subdivision 1; and 505.09, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Renneke, Merriam and Purfeerst introduced—

S. F. No. 1100: A bill for an act relating to employment; prohibiting an employer from paying an employee's wages or salary in a form other than cash, check or negotiable instrument unless requested otherwise by the employee; providing a penalty; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

Referred to the Committee on Employment.

Messrs. Renneke, Purfeerst and Frederick introduced—

S. F. No. 1101: A bill for an act relating to taxation; providing that persons over 65 years of age not be required to pay sales tax on residential heating fuel oils; providing penalties; appropriating money; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1; and Chapter 297A, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lewis, Chenoweth, Coleman and Kirchner introduced—

S. F. No. 1102: A bill for an act relating to the operation of state government; establishing an office of public advocate; providing for its operation; transferring certain powers from the attorney general; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Lewis, Schmitz, Johnson, Ogdahl and Gearty introduced—

S. F. No. 1103: A bill for an act relating to counties; county appropriations for patrol of county highways and roads; eliminating the restriction on the Hennepin county board of commissioners in relation thereto; amending Minnesota Statutes 1976, Section 375.46, Subdivision 1.

Referred to the Committee on Local Government.

Mr. Laufenburger, Mrs. Brataas, Messrs. Solon, Penny and Kleinbaum introduced—

S. F. No. 1104: A bill for an act relating to telephone companies; requiring telephone companies engaged in certain operations to receive a permit from the public service commission; requiring the companies to notify the public service commission before terminating or suspending operation; providing for a hearing; permitting the public service commission to issue orders and rules.

Referred to the Committee on Commerce.

Messrs. Sieloff and Renneke introduced—

S. F. No. 1105: A bill for an act relating to civil actions; providing for authority for attorney to bind his client and execute a satisfaction of judgment; amending Minnesota Statutes 1976, Sections 481.08 and 548.15.

Referred to the Committee on Judiciary.

Messrs. Olson, Nichols, Purfeerst, Penny and Jensen introduced—

S. F. No. 1106: A bill for an act relating to solid waste disposal; authorizing counties to prohibit transportation of solid waste to

other counties for disposal; authorizing counties to designate disposal sites for solid waste generated within their boundaries; amending Minnesota Statutes 1976, Section 400.04, by adding a subdivision.

Referred to the Committee on Local Government.

Mr. Milton introduced—

S. F. No. 1107: A bill for an act relating to retirement; computation of various public retirement annuities; amending Minnesota Statutes 1976, Sections 352.115, Subdivision 2; 352.93, Subdivision 1; 353.29, Subdivision 2; 353.651, Subdivision 2; and 354.44, Subdivision 6.

Referred to the Committee on Governmental Operations.

Messrs. Milton, Jensen and Pillsbury introduced—

S. F. No. 1108: A bill for an act proposing an amendment to the Minnesota Constitution, changing Article IV, Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25 and 26, Article V, Sections 3 and 5, Article VIII, Section 1, Article IX, Sections 1 and 2, and Article XI, Section 5, and repealing Article IV, Section 18; providing for a unicameral legislature.

Referred to the Committee on Rules and Administration.

Messrs. Bernhagen, Frederick, Solon and Schmitz introduced—

S. F. No. 1109: A bill for an act concerning the budget of the United States; requesting Congress to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.

Referred to the Committee on Rules and Administration.

Messrs. Solon; Ulland, J.; Ashbach; Moe and Coleman introduced—

S. F. No. 1110: A bill for an act relating to the operation of state government; authorizing the commissioner of administration to establish a regional service center comprising selected state agencies and to enter into a lease for purposes of acquiring suitable space for the center.

Referred to the Committee on Governmental Operations.

Mr. Sikorski introduced—

S. F. No. 1111: A bill for an act relating to commerce; regulation of subdivision of lands by the commissioner of securities; extending time for filing reports of subdivided land; amending Minnesota Statutes 1976, Section 83.30, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Schmitz and Renneke introduced—

S. F. No. 1112: A bill for an act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Schmitz, Nichols and Johnson introduced—

S. F. No. 1113: A bill for an act relating to taxation; changing certain procedures for objecting to real estate taxes; providing for city and town attorneys to handle prosecutions; amending Minnesota Statutes 1976, Sections 278.01 and 278.05.

Referred to the Committee on Local Government.

Mrs. Staples, Messrs. Benedict, Sikorski, Nelson and Sillers introduced—

S. F. No. 1114: A bill for an act relating to health care; directing the state board of health to compile certain physician directories; providing for their distribution; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Bernhagen, Laufenburger, Kleinbaum and Jensen introduced—

S. F. No. 1115: A bill for an act relating to banks; permitting banks to take second mortgages in drought areas; amending Minnesota Statutes 1976, Section 48.19, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Schmitz, Gearty and Renneke introduced—

S. F. No. 1116: A bill for an act relating to plats; authorizing plats to be prepared by photographic process in counties having microfilm capabilities; amending Minnesota Statutes 1976, Sections 505.08, by adding a subdivision; 505.1792, Subdivision 2; and 508.47, Subdivision 4.

Referred to the Committee on Local Government.

Messrs. Schmitz, Gearty and Renneke introduced—

S. F. No. 1117: A bill for an act relating to real estate; providing requirements for the recordability of certain documents; amending Minnesota Statutes 1976, Section 507.24.

Referred to the Committee on Judiciary.

Messrs. Schmitz and Wegener introduced—

S. F. No. 1118: A bill for an act relating to wild animals; revising

certain provisions regarding placement of decoys; amending Minnesota Statutes 1976, Section 100.29, Subdivision 18.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sikorski, Coleman, Stumpf, Mrs. Staples and Mr. McCutcheon introduced—

S. F. No. 1119: A bill for an act relating to corrections and juveniles; removing certain juveniles from the jurisdiction of the juvenile court; requiring the commissioner of corrections to develop a program for the custody, care and treatment of those juveniles removed from the jurisdiction of the juvenile court or referred to the district court for prosecution as an adult; amending Minnesota Statutes 1976, Sections 260.015, by adding a subdivision; and 260.111, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Olson, Jensen, Purfeerst and Wegener introduced—

S. F. No. 1120: A bill for an act relating to public waters; their classification and drainage; providing for venue of certain actions involving the commissioner of natural resources; amending Minnesota Statutes 1976, Chapter 105, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Pillsbury; Ueland, A. and Jensen introduced—

S. F. No. 1121: A bill for an act relating to elections; providing for the distribution of public campaign funds; amending Minnesota Statutes 1976, Sections 10A.31, Subdivisions 3, 5, 7, 8 and 10; and 10A.32, Subdivisions 1 and 3; repealing Minnesota Statutes 1976, Sections 10A.30, Subdivision 2; 10A.31, Subdivisions 2, 3a, 6 and 9; and 10A.32, Subdivision 4.

Referred to the Committee on Elections.

Messrs. Kleinbaum, Solon and Ulland, J. introduced—

S. F. No. 1122: A bill for an act relating to licensed employments; licensing and regulation of master plumbers; regulation and licensing of contracting steamfitters; amending Minnesota Statutes 1976, Sections 326.40 and 326.48.

Referred to the Committee on Commerce.

Messrs. Jensen; Ueland, A. and Pillsbury introduced—

S. F. No. 1123: A bill for an act relating to elections; regulating election day registration; amending Minnesota Statutes 1976, Section 201.061, Subdivision 3.

Referred to the Committee on Elections.

Messrs. Ueland, A.; Pillsbury and Jensen introduced—

S. F. No. 1124: A bill for an act relating to elections; providing who may verify the residence of election day registrants; amending Minnesota Statutes 1976, Section 201.061, Subdivision 3.

Referred to the Committee on Elections.

Messrs. Olson; Willet; Wegener; Ueland, A. and Purfeerst introduced—

S. F. No. 1125: A bill for an act relating to solid waste; establishing a solid waste management board in the counties of Faribault, Jackson, Martin and Watowan; prescribing its powers and duties; authorizing a solid waste disposal and resource recovery facility in the city of Fairmont; granting the city certain solid waste management powers; extending certain grants-in-aid for solid waste management purposes; establishing a solid waste resource recovery loan account; providing for state loans to finance construction of solid waste resource recovery facilities; appropriating money.

Referred to the Committee on Local Government.

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. 11 and 267.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 31, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 90, 129, 256, 326, 75, 598 and 705.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 31, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 90: A bill for an act relating to intoxicating liquor; authorizing cities to issue additional on-sale licenses by referendum; amending Minnesota Statutes 1976, Section 340.11, Subdivision 18.

Referred to the Committee on Commerce.

H. F. No. 129: A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

Referred to the Committee on Education.

H. F. No. 256: A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; amending Minnesota Statutes 1976, Sections 70A.02, Subdivision 2; and 70A.06, Subdivision 3.

Referred to the Committee on Commerce.

H. F. No. 326: A bill for an act relating to taxation; Kittson and Marshall counties; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing and collecting the same and prescribing penalties for violations thereof.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 75: A bill for an act relating to public safety; requiring railroad companies to reimburse local governments and non-profit fire fighting corporations for expenses incurred to extinguish locomotive caused fires.

Referred to the Committee on Local Government.

H. F. No. 598: A bill for an act relating to Becker county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing the same and prescribing penalties for violations thereof.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 705: A bill for an act relating to taxation; providing for revocation of motor carrier licenses for failure to file road tax reports; providing credit for tax paid on gasoline or fuel used in other states; amending Minnesota Statutes 1976, Section 296.17, Subdivisions 3, 11, and 12; and Chapter 296, by adding a section; repealing Minnesota Statutes 1976, Section 296.18, Subdivision 1a.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 817 scheduled to be on General Orders.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the report on S. F. No. 743, be now adopted. The motion prevailed.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 519: A bill for an act relating to elections; establishing voter registration in all counties; changing required voter registration information; providing for reports of changes; amending Minnesota Statutes 1976, Sections 201.021; 201.061, Subdivisions 3 and 6; 201.071; 201.091, Subdivision 6, and by adding a sub-

division; 201.14; 201.15; and Chapter 201, by adding a section; repealing Minnesota Statutes 1976, Section 201.061, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 15, strike "*the oath of*"

Page 2, line 15, after "*individual*" insert "*signs an oath*"

Page 2, line 17, strike "*is signed it*" and insert "*the oath*"

Page 2, line 17, before "*registration*" insert "*applicant's*"

Page 2, line 18, before the period, insert "*until the address of the applicant is verified by the county auditor*"

Page 3, line 1, after "*map*" insert "*or precinct finder*"

Page 3, line 1, strike "*their determination*"

Page 3, line 2, strike "*that*" and insert "*them in determining whether*"

Page 3, line 17, strike "*(do not use P.O. Box)*"

Page 3, after line 24, insert "*Date of birth (optional):*"

Page 3, line 25, restore the stricken "5."

Page 3, line 29, restore the stricken "6." and strike "5."

Page 4, line 14, strike "4"

Page 4, line 14, strike "*and*" and restore the stricken "*and 6*"

Page 5, line 10, strike "*the*"

Page 6, line 2, strike "*such*"

Page 6, line 2, before "*county*" insert "*that*"

Strike all of section 8 on pages 6 and 7

Page 7, line 13, strike "*form for*" and insert "*voters*"

Page 7, line 13, strike "*by*"

Page 7, line 14, strike "*mail as a voter. Forms for*" and insert "*card together with instructions for completing the card and returning it by mail to the appropriate county auditor. Voters*"

Page 7, line 14, strike "*by mail*" and insert "*cards*"

Page 7, line 16, strike "*section*" and insert "*sections*"

Page 7, line 16, after "*171.06*" insert "*and 171.07*"

Page 7, line 16, after the period insert "*Voters registration cards required to carry out the provisions of this section shall be provided to the department of public safety at no cost by the secretary of state.*"

Page 7, after line 16, insert

"Sec. 9. [APPROPRIATION.] *The sum of \$12,000 is appro-*

priated from the general fund to the secretary of state for the purpose of providing voters registration cards pursuant to section 8. This appropriation shall not lapse but shall be available for expenditure until June 30, 1978."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, strike "for"

Page 1, line 5, strike "reports of changes" and insert "voters registration cards to applicants for driver licenses; appropriating money"

Page 1, line 8, strike "201.15;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 517: A bill for an act relating to appropriations; appropriating money to the historical society for the purpose of restoring the ruins of Wasioja Seminary in Dodge county.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 686: A bill for an act relating to animals; authorizing destruction rather than research use for unclaimed animals; amending Minnesota Statutes 1976, Section 35.71, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 21, strike "unless" and insert ". However, if"

Page 2, line 22, after "contract" insert "of the municipality in which the animal was seized"

Page 2, line 23, strike "the" and insert "an"

Page 2, line 24, strike "; in which case" and insert a comma

Page 2, line 25, strike "be immediately destroyed" and insert "not be made available to any such institution but may, in the discretion of the establishment, be destroyed after the expiration of the five day period"

And when so amended the bill do pass. Amendments adopted. Report adopted

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 809: A bill for an act relating to veterans; authorizing commissioner of veterans affairs to assist in proceedings for upgrading other than honorable discharges; amending Minnesota Statutes 1976, Section 196.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 11, insert:

"Sec. 2. [APPROPRIATION.] The sum of \$147,404 is appropriated to the commissioner of veterans affairs for the purpose of implementing this act for the biennium beginning July 1, 1977."

Amend the title as follows:

Page 1, line 4, after semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 483: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain executive branch employees; limiting the ability of appointing authorities to fill certain unclassified positions; prohibiting salaries of employees of political subdivisions from exceeding the salary of the governor; removing achievement awards; amending Minnesota Statutes 1976, Sections 3.099; 3.102; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.09, Subdivision 2a; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; and 487.01, Subdivision 5; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; 43.069; 487.05 and 490.102, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 13, following line 22 insert:

"Sec. 12. Minnesota Statutes 1976, Section 3A.02, Subdivision 1, is amended to read:

3A.02 [RETIREMENT ALLOWANCE.] Subdivision 1. [QUALIFICATIONS.] Any former legislator:

(1) Who has served at least eight years or who has served during all or part of four regular sessions as such member of the legislature, which service need not be continuous, but must have been after January 1, 1965 except as hereinafter provided; and

(2) Who attains the age of 60 years; and

(3) Who has retired as a member of the legislature; and

(4) Who has made all contributions provided for in sections 3A.01 and 3A.10, or who has made payments in lieu of all contri-

butions provided for in sections 3A.01 to 3A.10 as provided for in subdivision 2; shall be entitled upon written application to the director to receive a retirement allowance monthly of 40 percent of his average monthly salary during the final term of office as a member of the legislature beginning with the first day of the month of receipt of such application and for the remainder of his life, provided he is not serving as a member of the legislature or as a constitutional officer or commissioner.

In addition to the amount provided above, the retired member who meets the qualifications of clauses (1), (2), (3) and (4) shall receive for every year of service over eight years a monthly allowance which equals two and one-half percent of the average monthly salary determined pursuant to clause (4).

The retirement allowance shall cease with the last payment which had accrued to the retired legislator during his lifetime except that the surviving spouse, if any, shall be entitled to the retirement allowance for the calendar month in which the retired legislator died.

In no event shall the amount paid to a member who retires after the beginning of the 1979 session exceed \$800 per month.

This subdivision is applicable to members of the legislature who terminate service after January 1, 1973, and to any widow or dependent child of any such member. Clauses (1) and (2) shall also be applicable to any former legislator who applies for a deferred annuity after June 5, 1975. Any former legislator who was in office on or after January 1, 1965, who had at least eight years of service but less than ten years of service as a member of the legislature, and who took a refund of his contributions, may upon application to the director repay to the director for credit to his account all refundments taken plus interest thereon at six percent per annum compounded annually. Upon repayment of the refundment, he shall then be entitled when otherwise qualified to a retirement allowance pursuant to subdivision 1, provided however that the retirement allowance shall be based on his salary at the time of his termination of service as a member of the legislature.

Page 14, line 5, strike " 40,000 " and insert " 38,000 "

Page 15, strike lines 5 to 8

Page 15, lines 13 to 14, strike "under the provisions of section 15A.081, subdivision 2"

Page 15, after line 25, insert:

"Subd. 5. [REFEREE SALARIES.] Notwithstanding any other law or ordinance to the contrary, no referee or hearing examiner employed by a court in this state shall receive a salary which is in excess of 90 percent of the salary paid a judge of the court by which he is employed."

Page 17, after line 5, insert:

Sec. 15. Minnesota Statutes 1976, Section 487.02, Subdivision 1, is amended to read:

487.02 [PAYMENT OF EXPENSES.] Subdivision 1. The salary and traveling expenses of a judge of the county court shall be paid by the county in which the expenses were incurred from the general revenue fund of the county. If the district consists of more than one county, the county of the judge's residence shall pay the judge and shall be reimbursed each month by the other counties of the district by apportioning the salary and expenses according to the respective population of the counties as determined by the last United States census state in the amount prescribed by section 15A.083. Expenses shall be paid in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 16. Minnesota Statutes 1976, Section 488A.021, Subdivision 8, is amended to read:

Subd. 8. [SALARIES.] Each judge shall be paid by the state an annual salary of ~~\$26,000~~ in biweekly installments out of the treasury of the county of Hennepin in the amount prescribed by section 15A.083. If a judge dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 17. Minnesota Statutes 1976, Section 488A.19, Subdivision 10, is amended to read:

Subd. 10. [SALARIES.] Each judge shall be paid by the state an annual salary of ~~\$29,000~~ in biweekly installments out of the treasury of the county of Ramsey in the amount prescribed by section 15A.083. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54.

Page 18, after line 20, insert:

Sec. 21. [APPROPRIATIONS.] Subdivision 1. The sums set forth in this section are appropriated from the general fund to the commissioner of finance for the purpose of paying compensation increases and county judges' compensation as authorized by this act, to be available for the fiscal year ending June 30 in the years indicated. Persons whose compensation is paid from open appropriations of dedicated receipts shall be paid from those appropriations and not from the appropriations made by this section. The commissioner of finance shall certify to the committee on finance of the senate and the committee on appropriations of the house of representatives the amount needed to be added to each appropriation account from which the compensation of a person affected by this act is paid, and shall then transfer that amount to the appropriate account.

	1978	1979
	\$	\$
Subd. 2. Legislators		814,000

<i>Subd. 3. Judges and Judicial Positions, as listed in Section 15A.083</i>	6,400,000	6,400,000
<i>Subd. 4. Constitutional Officers and their Deputies</i>	101,700	101,700
<i>Subd. 5. Department Heads and their Deputies</i>	502,800	502,800

Renumber the sections

Amend the title as follows:

Line 11, after "governor;" insert "prohibiting salaries of court referees from exceeding the salaries of judges;"

Line 12, after "awards;" insert "appropriating money;"

Line 13, after "3.102;" insert "3A.02, Subdivision 1;"

Line 16, delete "and"

Line 17, after "5;" insert "487.02, Subdivision 1; 488A.021, Subdivision 8; and 488A.19, Subdivision 10;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Pursuant to Rule 60, a roll call was taken on Mr. Tennesen's motion to amend S. F. No. 483 as follows:

Page 12, line 29, strike everything after "3."

Page 12, strike lines 30 through 32

Page 13, strike lines 1 and 2

Page 13, line 3, strike everything before the period and insert: "*Prior to the start of the 1979 legislative session, and prior to the start of each legislative session thereafter, the senate and the house may each designate up to four leadership or chairmanship positions in their respective bodies to receive additional compensation in specified amounts not to exceed 140 percent of the salary as provided in subdivision 2. Persons holding those positions during the legislative session following the designation shall receive the specified amounts for that session. Compensation increases provided in this subdivision may not be used in determining retirement contributions or allowances as provided in chapter 3A*"

There were yeas 3 and nays 19 as follows:

Those who voted in the affirmative were:

Messrs Spear, Stumpf and Tennesen.

Those who voted in the negative were:

Anderson	Keefe, S.	Menning	Purfeerst
Borden	Kirchner	Milton	Renneke
Dunn	Kleinbaum	Moe	Solon
Hughes	Lewis	Ogdahl	Willet
Humphrey	Luther	Perpich	

The amendment was not adopted. The bill passed the committee.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 477: A bill for an act relating to taxation; allowing certain income adjusted homestead credit claims on behalf of decedents; amending Minnesota Statutes 1976, Section 290A.03, Subdivision 13.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 290A.18, is amended to read:

290A.18 [RIGHT TO FILE CLAIM.] If a claimant person entitled to relief under sections 290A.01 to 290A.21 dies prior to filing a claim or receiving relief, the surviving spouse or dependent child of the claimant person shall be entitled to file the claim and receive ~~is~~ relief. If there is no surviving spouse or dependent child, the right to the credit shall lapse.

Sec. 2. [EFFECTIVE DATE.] *This act shall be effective for claims based on rent paid in 1975 and subsequent years and property taxes payable in 1976 and subsequent years. Persons who file claims pursuant to this act prior to December 31, 1977 for previous years shall not be subject to the penalties provided in Minnesota Statutes 1976, Section 290A.06.*"

Further amend the title as follows:

Page 1, line 5, strike "290A.03, Subdivision 13" and insert "290A.18"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 102: A bill for an act relating to taxation; tax levy in towns; removing levy limitations on towns; providing that the electors of any town at their annual town meeting shall determine the amount of taxes that may be levied in the town; amending Minnesota Statutes 1976, Section 275.10, Subdivision 1; repealing Minnesota Statutes 1976, Sections 275.09, Subdivision 3; 275.10, Subdivisions 2 and 3; and 275.31 to 275.35.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 275.09, Subdivision 3, is amended to read:

Subd. 3. [TOWN PURPOSES.] There shall be levied annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists for town purposes *in towns having a population of more than 3,500*, such amount as is voted at any legal town meeting, the rate of which tax shall not exceed, exclusive of such sums as are voted at the annual town meeting for road and bridge purposes, $3\frac{1}{3}$ mills in any town having a population of more than 7,000, excluding the population of any cities therein, $1.6\frac{2}{3}$ mills in any town having a taxable valuation of \$100,000 or more, and the amount of which shall not exceed \$350 in any town having a taxable valuation of less than \$100,000, and the rate of which shall not exceed one percent in any town. The rate of tax for road and bridge purposes in any town shall not exceed the rate provided by section 164.04. In any town in which the amount levied within the above limitations is not sufficient to enable the town to carry on its necessary governmental functions, the electors, during the business hours, after disposing of the annual report, may make an additional levy of not to exceed $1.6\frac{2}{3}$ mills to enable the town to carry on such necessary governmental functions.

Sec. 2. Minnesota Statutes 1976, Section 275.10, Subdivision 1, is amended to read:

275.10 [TAX LEVY IN TOWNS.] Subdivision 1. [RATE.] The total amount of taxes, exclusive of money and credits taxes, levied in each calendar year by or for any town *having a population in excess of 3,500*, through the vote of the town meeting or the electors of such town or otherwise, and by or for any board or commission thereof, for any and all general or special purposes whatsoever, including payment of indebtedness and bonds, shall not exceed $5\frac{2}{3}$ mills on the dollar of the assessed taxable valuation of the property in the town, exclusive of money and credits, whenever such levy of $5\frac{2}{3}$ mills upon the dollar of such assessed taxable valuation will produce a total levy of town taxes as great as or greater than an average of \$1,000 per government section of the entire area of such town, according to government survey of the property therein in any one calendar year, and no such town, by vote of the electors or otherwise, shall contract debts or make expenditures in any calendar year in excess of the amount of taxes assessed for that year, plus any available unexpended balance in prior years against which obligations have not been incurred. *For any town having a population of less than 3,500 the mill rate shall be that mill rate fixed by a vote of the electors of the town at their annual meeting or a special meeting called for that purpose.*

Sec. 3. Minnesota Statutes 1976, Section 275.31, is amended to read:

275.31 [LIMITATION OF SECTIONS 275.31 to 275.35.] Sections 275.31 to 275.35 apply to all towns in the state having a population of more than ~~3,000~~ *3,500*, exclusive of incorporated cities therein, and an assessed valuation of taxable property, exclusive of money and credits, of more than \$10,000,000.

Sec. 4. Minnesota Statutes 1976, Section 275.59, is amended to read:

275.59 [CITIES UNDER 2,500; TOWNS UNDER 3,500 POPULATION; EXEMPTION FROM LEVY LIMITS.] Commencing with levy year 1975 1977 and thereafter, taxes payable in 1976 1978 and thereafter, the provisions of sections 275.50 to 275.56 shall not apply to any city, home rule charter or statutory city or town with statutory city powers whose population according to the latest state or federal census is under 2,500 or to any town with statutory city powers whose population according to the latest state or federal census is under 3,500 .

Sec. 5. [EFFECTIVE DATE.] *This act is effective for taxes levied in 1977, payable in 1978 and thereafter.*"

Further, strike the title in its entirety and insert:

"A bill for an act relating to taxation; removing levy limitations on certain towns having population of less than 3,500; allowing electors of exempt towns to determine mill rates; amending Minnesota Statutes 1976, Sections 275.09, Subdivision 3; 275.10, Subdivision 1; 275.31; and 275.59."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 506: A bill for an act relating to taxation; extending the tax credit for feedlot pollution control equipment and providing for a carryback and carryover of the credit from one year to another; amending Minnesota Statutes 1976, Section 290.06, Subdivision 9a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, reinsert the stricken "The" and "provided for"

Page 2, line 1, after "~~credits~~" insert "*credit*"

Page 2, line 2, reinsert the stricken "in subdivision 9 shall terminate on December 31, 1976."

Page 2, after line 2, insert "*The credit provided for in this subdivision shall terminate on December 31, 1980.*"

Page 2, line 3, strike "*deduction*" and insert "*credit*"

Page 2, strike line 7

Page 2, line 8, strike "*purchase and carried*"

Page 2, line 8, strike "*seven*" and insert "*four*"

Page 2, line 9, after the period insert "*The entire amount of the credit not used in the year purchased shall be carried to the earliest of the four taxable years to which the credit may be carried and then to each of the three successive taxable years.*"

Page 2, strike line 11 and insert "*for equipment purchased after December 31, 1976.*"

Amend the title as follows:

Line 4, strike "carryback and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 389: A bill for an act relating to taxation; providing that reduced property tax classification for homesteads of disabled persons be continued for their surviving spouses; amending Minnesota Statutes 1976, Section 273.13, Subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 1, after "228b(a)5" insert a comma

Further amend the title as follows:

Page 1, line 5, after "spouses;" insert "extending the 3cc classification to property of persons receiving disability benefits from political subdivisions;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 437: A bill for an act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.13, Subdivision 9; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source.

For each of the taxable years beginning after December 31, 1960 and prior to January 1, 1971, the term "gross income" in its application to individuals, estates, and trusts, shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through December 31, 1970 for the applicable taxable year, with the modifications specified in this section.

For each of the taxable years beginning after December 31, 1970, the term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1970, shall be in effect for taxable years beginning after December 31, 1970 and prior to January 1, 1973.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1972, shall be in effect for taxable years beginning after December 31, 1972.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1973, shall be in effect for taxable years beginning after December 31, 1973.

(iv) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(v) The Internal Revenue Code of 1954, as amended through December 31, 1976, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of chapter 290 at the same time they become effective for federal income tax purposes. Section 207, relating to extension of period for nonrecognition of gain on sale or exchange of residence, and section 402, relating to time for making contributions to pension plans of self employed people, of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

Reference to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any such other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws

of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for such reimbursed expenditure resulted in a tax benefit;

(6) Losses which do not arise from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from such losses, and including any such nonassignable losses which occur prior to the time the individual becomes a resident of the state of Minnesota;

(7) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for such previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(8) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(9) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954, as amended through December 31, 1974 1976, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1974 1976, that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (9) or under section 290.09, subdivision 24; and

(10) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(11) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(12) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income - ;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, as amended through December 31, 1976, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852(b) (5) (A) of the Internal Revenue Code of 1954, as amended through December 31, 1976, not included in federal adjusted gross income pursuant to section 852(b) (5) (B) of the Internal Revenue Code of 1954, as amended through December 31, 1976, except for that portion of such exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities.

(15) The amount of any increase in the taxpayer's federal tax liability under section 44(d) (1) of the Internal Revenue Code of 1954, as amended through December 31, 1976, that was previously allowed as a deduction under section 290.01, subdivision 20(b) (12); and

(16) The amount of any excluded gain realized by a trust or the sale or exchange of property as defined in section 641(c) (1).

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to fifty per centum of such portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of such securities but includible in gross income for federal income tax purposes;

(4) Income which does not arise from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20;

(5) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from such losses;

(6) If included in federal adjusted gross income, the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether such amount is received as a refund or credited to another taxable year's income tax liability;

(7) The amount of any pension or benefit which is excluded from gross income under the provisions of section 290.08, subdivision 6; and

(8) The amount of compensation for personal services in the armed forces of the United States or the United Nations which is excluded from gross income under the provisions of section 290.65; and

(9) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1974 1976 , but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter ;

(10) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(11) Income earned from the care of children in the home of the taxpayer, subject to a maximum of \$750;

(12) The amount of any credit to the taxpayer's federal tax liability given pursuant to section 44 of the Internal Revenue Code of 1954, as amended through December 31, 1976, for the purchase of a residence located in Minnesota.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from such corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of such stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an

election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and said corporation is liquidated or the individual shareholder disposes of his stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, such shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that such reserve is distributed to shareholders such distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that such amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1(2) in computing Minnesota inheritance tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have such amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 2. Minnesota Statutes 1976, Chapter 290, is amended by adding a section to read:

[290.013] [ITEMS NOT TO BE TAKEN INTO ACCOUNT REPEATEDLY.] *Except as distinctly expressed or manifestly intended, the same item, whether of income, deduction, credit, or otherwise, shall not be taken into account in a taxable year if previously taken into account in a prior taxable year where the reason for the subsequent consideration is solely based on updating a reference to the Internal Revenue Code to take account of an amendment in a later year.*

Sec. 3. Minnesota Statutes 1976, Section 290.09, Subdivision 2, is amended to read:

Subd. 2. [TRADE OR BUSINESS EXPENSES; EXPENSES FOR PRODUCTION OF INCOME.] (a) In General. There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity. For purposes of the preceding sentence, the place of residence of a member of congress within the state shall be considered his home, but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of \$3,000.

(b) Expenses for Production of Income. In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year.

(1) For the production or collection of income;

(2) For the management, conservation, or maintenance of property held for the production of income; or

(3) In connection with the determination, collection, or refund of any tax.

(c) Campaign expenditures in an amount not to exceed the limits set out in section 210A.22, not subsequently reimbursed, which have been personally paid by a candidate for public office if the candidate has complied with the expenditure limitations set out in section 210A.22;

(No deduction shall be allowed under this clause for any contribution or gift which would be allowable as a credit under section 290.21 were it not for the percentage limitations set forth in such section);

(d) All expense money paid by the legislature to legislators ;

(e) The provisions of section 280A of the Internal Revenue Code of 1954, as amended through December 31, 1976, disallowing certain expenses in connection with the business use of the home and rental of vacation homes shall be applicable in determining the availability of any deduction under this subdivision.

Sec. 4. Minnesota Statutes 1976, Section 290.09, Subdivision 29, is amended to read:

Subd. 29. [DEDUCTIONS ATTRIBUTABLE TO FARMING.] (a) For purposes of this subdivision, income and gains and expenses and losses shall be considered as "arising from a farm" if such items are received or incurred in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife, and all operations incident thereto, including but not limited to the common use of "hedging".

(b) Except as provided in this subdivision, expenses and losses, except for interest and taxes, arising from a farm shall not be allowed as deductions in excess of income and gains arising from a farm.

(c) For taxable years beginning on or after January 1, 1974, expenses and losses arising from a farm or farms shall be allowed as deductions up to the amount of the income and gains arising from a farm or farms in any taxable year, plus the first \$15,000 of non-farm gross income, or non-farm taxable net income in the case of a corporation, provided however that in any case where non-farm income exceeds \$15,000, the maximum allowable amount of \$15,000 shall be reduced by twice the amount by which the non-farm income exceeds the amount of \$15,000. Any remaining balance of the deductions shall be carried back three years and carried forward five years, in chronological order, *provided, however, that in any case in which the taxpayer elects a net operating loss carryforward under section 172(b) (3) (E) of the Internal Revenue Code of 1954, as amended through December 31, 1976, such losses shall not be carried back but shall only be carried forward.*

Current expenses and losses shall be utilized as deductions in any taxable year, to the extent herein allowable, prior to the application of any carryback or carryover deductions. In any event, the combined amounts of such current expenses and losses and carryback or carryover deductions shall be allowed as deductions up to the amount of the income and gains arising from a farm or farms in any taxable year, plus the first \$15,000 of non-farm gross income, or non-farm taxable net income in the case of a corporation, provided however that in any case where non-farm income exceeds \$15,000, the maximum allowable amount of \$15,000 shall be reduced by twice the amount by which the non-farm income exceeds the amount of \$15,000.

(d) For purposes of this subdivision, individual shareholders

of an electing small business corporation shall be considered separate entities.

(e) For the purposes of sections 290.46 and 290.50, if the claim for refund relates to an overpayment attributable to a farm loss limitation carryback under this subdivision, in lieu of the period of limitation prescribed in sections 290.46 and 290.50, the period of limitation shall be that period which ends with the expiration of the 15th day of the 46th month (or the 45th month, in the case of a corporation) following the end of the taxable year of the farm loss which results in the carryback. No deduction or refund shall be allowed on 1974 returns for farm losses which have been previously carried back to earlier years and for which a tax refund or reduction has been allowed.

(f) In any case in which a taxpayer is entitled to a refund in a carryback year due to the carryback of a farm loss, interest shall be computed only from the end of the taxable year in which the loss occurs.

Sec. 5. Minnesota Statutes 1976, Section 290.23, is amended by adding a subdivision to read:

Subd. 15. Notwithstanding the provisions of subdivisions 11, 12, 13, and 14, the provisions of sections 665 to 668 of the Internal Revenue Code of 1954, as amended through December 31, 1976, shall be applicable to all accumulation distributions made by a trust after December 31, 1975.

Sec. 6. Minnesota Statutes 1976, Section 290.26, is amended by adding a subdivision to read:

Subd. 7. The provisions of P.L. 94-267 which permit tax free rollovers of distributions from employee retirement plans in the event of plan terminations shall be applicable with respect to such distributions made to an employee on or after July 4, 1974.

Sec. 7. Minnesota Statutes 1976, Section 290A.03, Subdivision 3, is amended to read:

Subd. 3. [INCOME.] "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code of 1954 as amended through December 31, 1974 1976 , additions to federal adjusted gross income as provided in Minnesota Statutes, Section 290.01, Subdivision 20, Clause (a)(1), (a)(2), (a)(3), (a)(4), (a)(8), and (a)(10), (a)(13), (a)(14), and (a)(15) and all nontaxable income, including but not limited to the amount of recognized net long term capital gains excluded from adjusted gross income, cash public assistance and relief, the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, and veterans disability pensions), nontaxable interest received from the state or federal government or any instrumentality thereof, worker's compensation, unemployment benefits, nontaxable strike benefits, and the gross amount of "loss of time" insurance. In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" shall mean federal adjusted gross income

reflected in the fiscal year ending in the calendar year. "Income" does not include gifts from nongovernmental sources, surplus food or other relief in kind supplied by a governmental agency, or relief granted under sections 273.012, subdivision 2 or 290A.01 to 290A.21.

Sec. 8. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the words "Internal Revenue Code of 1954, as amended through December 31, 1976" for the words "Internal Revenue Code of 1954, as amended through December 31, 1974" wherever such words occur in chapter 290, except section 290.01, subdivision 20.

Sec. 9. [REPEALER.] Minnesota Statutes 1976, Sections 290.09, Subdivision 14, and 290.13, Subdivision 9, are repealed.

Sec. 10. [EFFECTIVE DATE.] Sections 1, 2, 3, 4, 7, and 9 are effective for taxable years beginning after December 31, 1976, except that section 290.01, subdivision 20, clause (b) (12) as added in section 1 shall be effective for amounts received after December 31, 1974. Section 5 is effective for distributions made after December 31, 1975. Section 6 shall be effective for distributions made on or after July 4, 1974."

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to taxation; altering the definition of gross income and changing certain deductions for income tax purposes for individuals, trusts and estates; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.23, by adding a subdivision; 290.26, by adding a subdivision; and 290A.03, Subdivision 3; and Chapter 290, by adding a Section; repealing Minnesota Statutes 1976, Sections 290.09, Subdivision 14; and 290.13, Subdivision 9."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 895: A bill for an act relating to metropolitan government; providing for sports facilities; establishing a sports commission; providing financing; providing a tax on the sales of certain intoxicating and fermented malt beverages in the metropolitan area; prohibiting certain restrictive agreements relating to the telecasting of games; increasing the levy limitation base for the city of Bloomington; regulating facilities location; repealing Minnesota Statutes 1976, Section 340.11, Subdivision 11a.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 11, the following terms shall have the meanings here given them.

Subd. 2. "Commission" means the Minnesota sports facilities commission.

Subd. 3. "Metropolitan sports area commission" means that commission established by an ownership and operations agreement made and entered into as of August 13, 1954, validated by Laws 1955, Chapter 445, to which the cities are now parties.

Subd. 4. "Metropolitan sports area" means the real estate in the city of Bloomington described in the ownership and operations agreement, and all buildings, structures, improvements and equipment thereon, now owned by the cities.

Subd. 5. "Use agreements" means all agreements now in effect entered into by the metropolitan sports area commission on behalf of the cities, providing for the use of the metropolitan sports area or any part thereof by any person, firm or corporation.

Subd. 6. "Cities" means the cities of Minneapolis, Bloomington, and Richfield.

Subd. 7. "Sports facility" means any real, personal, or mixed property used or useful for amateur or professional athletic exhibitions and contests attended by the public, or for instruction, training, and participation in athletics by individual members of the public, or by students at public or private schools and colleges, or by members of athletic associations, which is acquired, leased, or held by the commission primarily for one or more of these purposes.

Subd. 8. "Council" means the metropolitan council.

Subd. 9. "Debt service" means the principal and interest due each year on all bonds or revenue anticipation certificates issued by the council under section 8 or assumed by the council or for which the council is obligated under section 6.

Sec. 2. [LEGISLATIVE POLICY; PURPOSE.] The legislature finds that the people of the state of Minnesota have a need for additional sports facilities and that this need cannot be adequately met by the activities of individual municipalities, agreements among municipalities, or by the private efforts of the people within the state.

Sec. 3. [SPORTS FACILITIES COMMISSION.] Subdivision 1. The Minnesota sports facilities commission is hereby created. The commission shall consist of seven members appointed as follows:

(a) Four members appointed by the metropolitan council, one from each of the following areas:

- (1) Council districts 1, 2, 3 and 4;
- (2) Council districts 5, 6, 7 and 8;
- (3) Council districts 10, 12, 13 and 14;
- (4) Council districts 9, 11, 15 and 16.

(b) Three members appointed by the governor, at least one

of whom shall be experienced in municipal finance, and one of whom shall be experienced in building construction management.

The members appointed by the council shall reside in the area from which they are appointed while serving on the commission. Two of the members appointed by the governor shall reside anywhere in the state outside the metropolitan area while serving on the commission.

Subd. 2. [TERM.] Initial appointments of members shall be made within 30 days following the effective date of this act. Members shall be appointed for four year terms except that the terms of two of the members initially appointed by the governor and the terms of the members initially appointed from council districts 5 to 8 and 9, 11, 15 and 16 shall expire December 31, 1979 and the terms of remaining members shall expire two years thereafter. The term of each member shall continue until his successor is appointed and qualified.

Subd. 3. [VACANCIES.] An office shall be deemed vacant under the conditions specified in chapter 351. The vacant office shall be filled by the respective appointing authority.

Subd. 4. [COMPENSATION; MEETINGS.] Members shall be compensated at the rate of \$50 for each day actually and necessarily spent in the performance of their duties as such, and shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in the same manner and amount as state employees. Meetings shall be held at least once each month and at such other times as the chairman shall determine, or upon call therefor by any three members.

Subd. 5. [OFFICERS.] At its first meeting, the commission shall select from among its members a chairman who shall preside at all meetings of the commission, if present, and shall perform all other duties assigned to him by the commission or by law. The term of the office of chairman shall be one year except that the term of the chairman initially selected shall expire on the day of the first meeting of the commission held in 1980. The commission may select a vice-chairman from among its members to act for the chairman during his temporary absence or disability. The commission may select a secretary and treasurer or secretary-treasurer, who may, but need not be a member of the commission, and shall prescribe the powers and duties of this office.

Sec. 4. [EXECUTIVE DIRECTOR.] The chairman of the commission shall, subject to the approval of the commission, appoint an executive director who shall be chosen solely on the basis of his training, experience, and other qualifications, and who shall serve at the pleasure of the commission at a salary determined by the commission. The director shall attend all meetings of the commission, but shall not vote, and shall have the following powers and duties:

(a) He shall see that all resolutions, rules, regulations, or orders of the commission are enforced.

(b) He shall appoint and remove, subject to the provisions of any personnel code adopted by the commission, upon the basis of merit and fitness, all subordinate officers and regular and temporary employees of the commission.

(c) He shall present to the commission plans, studies, and reports prepared for commission purposes and recommend to the commission for adoption such measures as he deems necessary to enforce or carry out the powers and duties of the commission, or to the efficient administration of the affairs of the commission.

(d) He shall keep the commission fully advised as to its financial condition, and he shall prepare and submit to the commission its annual budget and such other financial information as it may request.

(e) He shall recommend to the commission for adoption such rules and regulations as he deems necessary for the efficient operation of the commission's functions.

(f) He shall perform such other duties as may be prescribed by the commission.

Sec. 5. [COMMISSION; POWERS.] Subdivision 1. The commission shall have all powers necessary or convenient to discharge the duties imposed by law, including, but not limited to those specified in this section.

Subd. 2. The commission may sue and be sued, and shall be a public body within the meaning of chapter 562.

Subd. 3. It may acquire by lease, purchase, gift, or devise all necessary right, title, and interest in and to real or personal property, use agreements or any present right or interest of any party in any sports facility deemed necessary to the purposes contemplated by sections 1 to 11 within the limits of the metropolitan sports area, and may construct, equip, acquire, improve, operate, manage, and maintain sports facilities, including existing facilities.

Any properties, real or personal, acquired, owned, leased, controlled, used or occupied by the commission for any of the purposes of sections 1 to 11, are declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from such improvement.

Subd. 4. The commission may employ persons and contract for services and materials, supplies and equipment as may be necessary to carry out its functions.

Subd. 5. The commission may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, or any person for any of its purposes, may enter

into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. 6. The commission may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its functions; and may advise and assist the metropolitan council and other governmental units on planning matters within the scope of its powers, duties and objectives.

Subd. 7. The commission and the board of regents of the university of Minnesota may enter into agreements and do all other acts necessary to further the functions prescribed herein.

Subd. 8. The commission may lease, license, or enter into other agreements for the use of part or all of any property or facility under its ownership or control for purposes as will provide athletic, educational, cultural, commercial or other entertainment, instruction or activity for the citizens of Minnesota.

Subd. 9. Contracts for the purchase of materials, supplies, and equipment shall be made in accordance with section 471.345; except that the commission with the approval of the council, and without advertisement for bids, may employ a person, firm, or corporation to perform one or more or all of the functions of architect, engineer, construction manager, or contractor for both design and construction, with respect to all or any part of a sports facility project. The commission shall secure surety bonds as required in section 574.26, securing payment of just claims in connection with all public work undertaken by it. Persons entitled to the protection of such bonds may enforce them as provided in sections 574.28 to 574.32, and shall not be entitled to a lien on any property of the commission under the provisions of sections 514.01 to 514.16.

Subd. 10. The commission may establish an advisory sports facility building committee consisting of seven members experienced in the areas of municipal finance, building construction and professional athletics, representatives of the university of Minnesota and citizen representatives, including citizen representation from the area in which the facilities will be constructed. The commission shall seek the advice of the committee on matters relating to the construction of any new sports facility, and may delegate to the committee, or a subcommittee designated by it, such functions as it may determine to be desirable in the supervision of the construction. Upon completion of construction the committee shall be discharged.

Subd. 11. The commission may employ on such terms as it deems advisable persons or firms for the purpose of providing traffic officers to direct traffic on property under the control of the commission, and on the city streets in the general area of the property controlled by the commission, the traffic officers shall be peace officers.

Subd. 12. The construction of new sports facilities shall be accomplished under the provisions of sections 1 to 10 and shall not be affected by sections 473.161 and 473.163.

Sec. 6. [OWNERSHIP AND OPERATION OF METROPOLITAN SPORTS AREA.] Subdivision 1. On the effective date of this act the commission shall assume ownership of the metropolitan sports area.

Subd. 2. The cities and the metropolitan sports area commission shall cause all conveyances and other instruments to be executed, delivered, and recorded on their behalf which the commission, upon advice of counsel, deems necessary or desirable to transfer and convey to it all of the cities' right, title, and interest in and to the metropolitan sports area and all parts thereof and appurtenances thereto. The treasurer of the city of Minneapolis shall remit, endorse, assign and transfer to the treasurer of the commission all moneys and securities credited to the metropolitan sports area fund on the city's official books and records under the provisions of the ownership and operations agreement. The metropolitan council and the commission shall be obligated and shall provide for the payment of the principal and interest thereafter due and payable with respect to the general obligation bonds and revenue bonds issued by the city of Minneapolis under the provisions of the ownership and operations agreement and amendments thereto. For the purpose of making such payments the metropolitan council and the commission shall have all the powers, resources, and duties conferred upon them by section 9. The commission shall assume all of the cities' obligations and those of the metropolitan sports area commission under the provision of all use agreements relating to the metropolitan sports area, and the cities and the metropolitan sports area commission shall cause to be executed all such assignments and other documents as the commission, upon advice of the counsel, shall deem necessary or desirable and appropriate to vest all their rights and privileges under such agreements in the commission.

Subd. 3. All persons employed by the metropolitan sports area commission are transferred by this act to the Minnesota sports facilities commission without loss of right or privilege, except that the executive director shall be solely appointed according to the provisions of section 4.

Sec. 7. [RETIREMENT; ADMINISTRATION; PURCHASES OF PRIOR SERVICE CREDIT.] Subdivision 1. All employees of the commission shall be members of the Minnesota state retirement system with respect to service rendered on or after the effective date of this act, except that temporary employees hired for a period of less than six months and part time employees hired to work less than 30 hours per week shall be excluded from membership in the retirement system if the commission certifies them to the executive director of the retirement system as being temporary or part time employees. Provided, however, that any employee of the commission who was an employee of the metropolitan sports area commission immediately prior to the effective date of this act and who was a member of the public employees retirement association on account of such employment may elect no later than 30 days following the effective date of this act to remain a member of the public employees retirement association. Such election shall be made on forms provided by the commission, and the com-

mission shall give immediate notice of any such elections to the executive directors of the public employees retirement association and the Minnesota state retirement system. Any person who makes such an election shall be excluded from membership in the Minnesota state retirement system with respect to employment by the commission.

Subd. 2. Any permanent full time employee of the commission who was a permanent full time employee of the metropolitan sports area commission prior to the effective date of this act for whom such prior employment was not covered by the public employees retirement system, may obtain allowable service credit in the Minnesota state retirement system by paying to the retirement system (a) an amount equal to four percent of his or her current salary rate multiplied by the days and months of such prior service for which he or she desires to obtain allowable service credit plus (b) an amount representing the employer's required contributions, except that the commission may agree to pay such matching amount on behalf of its employees. Proof of prior permanent full time service and the duration thereof shall be established by the certification of the commission to the executive director of the retirement system. The payments shall be made either in a lump sum or by payroll deduction arranged for on or before July 1, 1978.

Sec. 8. [DEBT OBLIGATIONS.] Subdivision 1. [BONDS.] The metropolitan council may by resolution authorize the sale and issuance of its revenue bonds for any or all of the following purposes:

(a) To provide funds for the acquisition or betterment by the commission of sports facilities, any use agreement relating thereto or any right or interest therein, subject to the limitations in subdivision 3;

(b) To refund bonds issued hereunder and bonds upon which the council is obligated under section 6, subdivision 2, provided that the council may instead provide for the payment of the general obligation bonds and interest thereon from its debt service fund in the same manner as bonds of the council; and

(c) To fund judgments entered by any court against the commission or against the council in matters relating to the commission's functions.

Subd. 2. [PROCEDURE.] Such bonds shall be sold, issued, and secured in the manner provided in chapter 475, shall be repayable solely from income derived from the sports facilities and from the taxes imposed pursuant to section 9, and shall not be a general obligation or debt of the state or any municipality or political subdivision. The council shall have the same powers and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this section. The amount thereof shall not be limited except as provided in subdivision 3 and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of

any net debt limitation. Each series of bonds may mature not more than 33 years from its date of issue.

Subd. 3. [LIMITATION.] Until and unless otherwise provided by law, the principal amount of any bonds issued pursuant to subdivision 1, clause (a) shall be limited to \$32,000,000, and the proceeds thereof shall be used only for the construction of a new football and soccer facility seating not less than 65,000, and for remodeling the existing metropolitan stadium for baseball, with adjacent parking facilities and road access improvements, plus the additional funds needed for bond debt service during construction, underwriters discount, printing, legal, accounting and registration fees. The council shall not issue any of such bonds in excess of \$1,250,000 until it has determined that:

(a) Professional baseball, soccer, and football clubs have entered into agreements with the commission to play in the sports facilities for a period which in the commission's judgment is necessary to finance the sports facilities, taking into account the tax revenues specified in section 9 hereof.

(b) Acceptance of the environmental impact statement required in section 10 has been received.

(c) The council has reviewed plans prepared for the commission in detail sufficient so that the development of final plans and specifications will assure completion of the project in a reasonable period of time.

(d) In the considered judgment of the council, the revenues that may be reasonably expected to be received from the contracts specified in clause (a), plus the admissions tax authorized in section 9, subdivision 1, plus the revenues that may be reasonably expected to be received from additional rentals, fees, and charges under section 9, subdivision 3, will be sufficient to meet the requirements of the debt service fund as provided in subdivision 4 of this section and sufficient also to pay when due all expenses of operation and maintenance of the commission's property and of carrying on its business in accordance with law.

Subd. 4. [SECURITY.] The net revenues from time to time received by the commission from charges for the use of its sports facilities and from the taxes authorized in section 9, in excess of (a) amounts necessary to pay when due the current, reasonable, and necessary expenses of the operation, administration, and maintenance of the sports facilities and the funds and revenues thereof, and (b) reserves authorized by the council to be accumulated and maintained for working capital and for major repairs, replacements, or improvements, shall be pledged and appropriated by the council to a special debt service fund which shall be maintained separate from all other funds of the council and would only pay the principal of and interest and redemption premiums, if any on bonds issued pursuant to this section.

Subd. 6. [CERTIFICATES OF INDEBTEDNESS.] At any time or times after approval of an annual budget of the commission for operation, administration, and maintenance of its sports

facilities, and in anticipation of the collection of the tax and other revenues appropriated in the budget, the council may authorize the issuance, negotiation, and sale, in such form and manner and upon such terms as it may determine, of certificates of indebtedness in aggregate principal amounts not exceeding 50 percent of the total amount of such appropriations, and maturing not later than three months after the close of the budget year. An amount of the anticipated revenues equal to not less than 105 percent of the amount required to pay the certificates and interest thereon when due shall be reappropriated to a special fund established in the council's financial records, and all revenues received after expenditure or encumbrance of the remaining amount appropriated shall be credited to the special fund until the certificates and interest are fully paid. If for any reason the anticipated tax and other revenues are insufficient, the certificates and interest shall be paid from the first tax and other revenues received in the following budget year.

Sec. 9. [FINANCES.] Subdivision 1. [ADMISSIONS TAX.] Effective January 1, 1978 for the period that any bonds issued pursuant to subdivision 3 of section 8 are outstanding, the council may, by resolution, impose an admissions tax in an amount not to exceed six percent upon sales and distribution by any private or public person, association, or corporation other than the commission, on tickets for admission to activities conducted on premises acquired, improved or the operating rights whereof are acquired with the proceeds of bonds issued pursuant hereto. No other tax, except the taxes imposed by chapter 297A, may be levied by any unit of government other than the commission upon any sale or distribution by any private or public person, association, or corporation of tickets for admission to activities conducted at any sports facility of the metropolitan sports area. The tax shall be stated and charged separately from the sales price so far as practicable and shall be collected by the seller or distributor from the holder of the ticket and shall be a debt from the holder to the seller or distributor, and the tax required to be collected shall constitute a debt owed by the seller or distributor to the metropolitan council, which debts shall be recoverable at law in the same manner as other debts. Every person, association, or corporation selling or distributing tickets for such admissions may be required, as provided in resolutions of the metropolitan council, to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay such penalties for nonpayment and interest on late payments, as shall be deemed necessary or expedient to assure the prompt and uniform collection of the tax. All taxes imposed by this subdivision shall be paid into the debt service fund under section 8, subdivision 4.

Subd. 2. [WHOLESALE LIQUOR TAX.] In addition to any other taxes imposed by law, there is hereby imposed, commencing July 1, 1977, a tax at the rate of two percent of the selling price upon the sale or use of all intoxicating liquors, excepting intoxicating malt liquors, sold at wholesale to licensed on-sale or off-sale retailers within the seven county metropolitan area. The commissioner of revenue shall administer and collect this tax.

and the provisions of chapter 297A shall apply to the administration and collection of this tax in all instances consistent with this subdivision.

The proceeds of the tax shall be deposited by the commissioner in a special reserve fund in the state treasury, under the jurisdiction of the state board of investment for investment purposes. Income from investments shall become a part of the reserve fund. The metropolitan council shall furnish the commissioner of revenue a schedule of bonds sold and issued pursuant to section 8, showing the dates of maturity thereof, the amounts required from time to time for the payment of principal and interest thereon, and such other financial data as the commissioner shall require.

Collection of the tax imposed by this section shall be suspended at the end of any calendar year upon a determination by the metropolitan council that the balance in the reserve fund has reached an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding two year period. Collection shall be resumed by the commissioner of revenue at the end of any calendar year upon notice from the metropolitan council that the balance in the reserve fund has fallen below the required amount.

If at any time it appears to the commission that the balance in the debt service fund established for the payment of interest or principal upon bonds issued and outstanding will be insufficient to make any payment upon the due date thereof, the fact and the amount of the anticipated deficiency shall be certified to the commissioner of revenue as far in advance of the due date as is practicable. Upon receipt of certification of a deficiency, the commissioner shall take all steps necessary to assure liquidation of sufficient investments of the reserve fund and to transfer an amount equal to the amount of the anticipated deficiency to the debt service fund by the due date.

Subd. 3. [RENTALS, FEES, CHARGES, AND CONTRACTS.] The commission is authorized to fix, alter, charge, and collect rentals, fees, and charges to all private and public persons, associations, and corporations, for the use, occupation, and availability of all premises owned, operated, or controlled by it and all facilities situated thereon, and to enter into contracts respecting such rentals, fees, and charges. The amounts thereof shall be those estimated to be necessary and feasible to produce so far as possible, with revenues from other sources, the amounts needed for current operation, maintenance, and debt service. All such rentals, fees, charges, and contracts shall be submitted to the council in accordance with section 473.163. Any contract may provide that the other contracting party shall have exclusive or nonexclusive use of such areas at such times, and shall be responsible for such performance and the payment of such costs of operation and maintenance thereof, as may be agreed.

Subd. 4. [GENERAL.] The commission shall receive and account for all tax and other revenues referred to in this section and from such revenues shall provide, contract, and pay for proper

operation and maintenance of all of its property and facilities, and for the payment of all obligations assumed by it under the provisions of section 6, and shall maintain a reasonable reserve for working capital, and shall remit to the council for deposit in its debt service fund, at times required by resolutions of the council, the net revenues in excess of these requirements; provided that the council may by such resolutions authorize the retention also of a reserve for major repairs, replacements, and improvements.

Sec. 10. [ENVIRONMENTAL IMPACT STATEMENT.] If deemed necessary by the environmental quality board, an environmental impact statement fulfilling the requirements of section 116D.04, shall be completed within three months of the effective date of this act and prior to the commencement of construction of, or issuance of the bonds for any new sports facility by the commission or the council. The environmental impact statement shall be prepared by the state planning agency. The commission shall reimburse the planning agency for the cost of preparing the statement. The draft environmental impact statement shall be submitted to the environmental quality board within 120 days of the effective date of this act. The provisions of this section shall apply to the construction and remodeling of sports facilities by the commission, notwithstanding any contrary provisions of section 116D.04 or any regulations issued pursuant thereto.

Sec. 11. [TELECAST OF GAMES; RESTRICTIVE AGREEMENTS PROHIBITED.] Subdivision 1. No professional baseball, football, or soccer organization which is a tenant at a sports facility constructed pursuant to sections 1 to 10 shall be a party to or benefit from an agreement, contract, arrangement, or other understanding which would prevent the telecast within the state or any part of the state of any game of the organization under the following conditions: (a) if the game is to be telecast pursuant to an agreement by which any league of the professional sports organizations sells or otherwise transfers all or part of the rights of the league's member organizations in the sponsored telecasting of games of the organizations and (b) if 90 percent of the tickets of admission for seats at the game, which were available for purchase by the general public 120 hours or more before the scheduled beginning time of the game either at the sports facility where the game is to be played or at the box office closest to the sports facility, have been purchased 72 hours or more before the beginning time of the game. The right to telecast any such game in the state shall be made available, by the person or persons having such right, to a television broadcast licensee on reasonable terms and conditions, including adequate compensation to the commission for the resulting reduction in revenue from tickets and concessions, unless the telecasting would be a telecasting which Title 15 U.S.C., Section 1293 is intended to prevent.

Subd. 2. The provisions of this section may be enforced by means of a civil suit for injunctive relief brought in the district court of the county in which the sports facility is located.

Subd. 3. If this section is found to be unconstitutional and void, the remaining provisions of this act shall remain valid.

Sec. 12. [BLOOMINGTON; TAX LEVY.] Subdivision 1. The city of Bloomington may add to the levy base determined for the purposes of Minnesota Statutes, Sections 275.50 to 275.56, an amount equal to the revenue derived by the city in calendar year 1975 from the city tax imposed on tickets sold for admission to activities conducted at the metropolitan sports area.

Subd. 2. For the year 1977 only, the city of Bloomington may add to the levy base an amount equal to twice the amount determined in subdivision 1.

Sec. 13. This act shall be effective on the day following final enactment."

Amend the title by striking it and inserting:

"A bill for an act relating to state government; creating the Minnesota sports facilities commission; prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes therefor; authorizing the commission to impose an admissions tax; imposing a wholesale liquor tax in the metropolitan area; requiring the completion of an environmental impact statement prior to construction of a new sports facility."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 274: A bill for an act relating to McCarthy Beach state park; adding certain lands to the park; amending Laws 1945, Chapter 484, Section 1, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 27, strike "17" and insert "7"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 673: A bill for an act relating to beverage containers; detachable parts of noncarbonated beverage cans; amending Minnesota Statutes 1976, Section 325.248, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 16, insert:

"Sec. 2. *This act is effective the day following final enactment.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 916: A bill for an act relating to elections; precinct boundaries; including annexed area in adjacent precinct; amending Minnesota Statutes 1976, Section 204A.06, Subdivision 1; repealing Minnesota Statutes 1976, Section 204A.06, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 22, after the period insert "*For every election held in the municipality*"

Page 2, line 23, strike "*thereof*" and insert "*of the appropriate precinct map*"

Page 2, line 23, before "*judges*" insert "*election*"

Page 2, line 23, strike "*use at elections*" and insert "*each polling place*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

H. F. No. 300: A bill for an act relating to elections; removing a provision for special hours during which registration locations must be open; amending Minnesota Statutes 1976, Section 201.091, Subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 831: A bill for an act relating to port authorities; increasing the compensation of commissioners for attending regular and special meetings; eliminating the annual limitation on such compensation; amending Minnesota Statutes 1976, Section 458.195, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H. F. No. 334: A bill for an act relating to highway traffic regulations; lengths of certain vehicles and combinations of vehicles; amending Minnesota Statutes 1976, Section 169.81, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 568: A bill for an act relating to highway traffic regulations; exempting trucks engaged in hauling hay from certain weight restrictions during a specified period of time.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "truck" and insert "five axle vehicle"

Page 1, line 10, after "hay" insert "to be used by Minnesota livestock farmers"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 541: A bill for an act relating to the operation of state government; authorizing value analysis of certain department of transportation construction projects; establishing procedures for implementing value analysis change proposals.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [POLICY.] The legislature finds that the application of the principles and techniques of value analysis in reducing the cost of state construction projects is in the interest of the efficient operation of state government. It is therefore the policy of the legislature to support, encourage and, where necessary, to authorize the application of some or all of those principles by agencies and departments of the state.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 4, and unless a different meaning is indicated by the context, the terms defined in this section have the meanings given them.

Subd. 2. "Construction project" means any state construction project undertaken by the department of transportation.

Subd. 3. "Value analysis" means the systematic and creative functional analysis of construction projects, specifications, standards, practices and procedures for the purposes of identifying and eliminating unnecessary costs by developing modifications which satisfy required functions of a project for the lowest cost in a manner consistent with requirements for performance, reliability, quality and maintainability.

Subd. 4. "Value Engineering Proposal" means a formal written proposal with supporting documentation. A value engineering proposal shall be developed by application of value analysis principles, shall be documented by a contractor or subcontractor pursuant to the provisions of the construction contract, and shall suggest one or more changes in the construction project, specifications, standards, practices or procedures which would result in direct and

immediate net savings in terms of reducing the costs of the construction contract.

Sec. 3. [CONTRACTS TO INCLUDE VALUE ANALYSIS AUTHORIZATION.] All contracts for construction projects may contain contract provisions which:

(a) Authorize the contractor, with regard to specified matters governed by the contract, and any subcontractor, with regard to matters governed by the subcontracting agreement with the contractor, to submit value engineering proposals as provided in sections 2 to 4;

(b) Specify such procedural and substantive requirements for the preparation, development and documentation for value engineering proposals as may be required for the particular construction project;

(c) Require that copies of all value engineering proposals and all supporting documents be submitted to the commissioner of transportation; and

(d) Provide that if a value engineering proposal is adopted for the construction project contract as provided in section 4, a supplemental agreement shall reduce contract payments to the contractor or subcontractor that submitted the value engineering proposal, by an amount equal to one-half of the amount of direct and immediate net savings under the contract resulting from the adoption of the value engineering proposal.

Sec. 4. [EVALUATION OF VALUE ENGINEERING PROPOSALS.] Subdivision 1. After receipt of a value engineering proposal and supporting documents, the commissioner of transportation shall investigate and analyze the value engineering proposal, estimate the amount of the direct and immediate net savings in terms of construction project contract costs which would result upon adoption of the value engineering proposal.

Subd. 2. Subject to the provisions of sections 2 to 4 and the provisions of any other applicable law, if the commissioner of transportation determines, based upon the reports and recommendations of his department, that adoption of a value engineering proposal will result in direct and immediate savings in the construction project contract costs, the commissioner shall approve and authorize the adoption of the implementing supplemental agreement and the supplemental agreement shall be processed and adopted as otherwise provided by law.

Sec. 5. This act is effective July 1, 1977."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 855: A bill for an act relating to St. Louis county; automobile expenses of county commissioners; amending Laws 1959, Chapter 301, Section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for the"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 743: A bill for an act relating to health; establishing a health program for pre-school children; providing for reimbursement to school districts; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. [STATEMENT OF PURPOSE.] The legislature finds that early detection of children's health and developmental problems can reduce their later need for costly care, minimize their physical and educational handicaps, and aid in their rehabilitation. The purpose of this act is to assist parents and communities in improving the health of Minnesota children and in planning educational and health programs.

Sec. 2. [SCHOOL BOARD RESPONSIBILITIES.] Subdivision 1. Every school board shall provide for a voluntary health and developmental screening program for children at least 12 months before entering kindergarten. This screening program shall be established either by one board or by two or more boards acting in cooperation. In fiscal years 1978 and 1979, the screening programs shall include at least the following components: developmental assessments, hearing and vision screening, dental assessments, and the review of health history and immunization status. In fiscal year 1979, the screening programs shall include at least the following additional components: laboratory tests and nutritional and physical assessments. All screening components shall be consistent with the standards of the state board of health for early and periodic screening programs.

Subd. 2. If any child's screening indicates a condition which requires diagnosis or treatment, his parents shall be notified and follow-up shall occur in accordance with procedures established pursuant to section 3, subdivision 1.

Subd. 3. The school board shall actively encourage participation in the screening program.

Subd. 4. To the extent possible, every school board shall attempt to integrate and utilize existing volunteer screening programs in implementing sections 2 to 4.

Subd. 5. A school board may contract with health care pro-

viders to operate the screening programs and shall consult with local societies of health care providers.

Sec. 3. [RESPONSIBILITIES OF STATE BOARD OF EDUCATION AND STATE BOARD OF HEALTH.] Subdivision 1. The state board of education shall adopt rules establishing procedures to assist school boards in implementing the health and developmental screening programs. Before August 15, 1977, the state board of education shall establish these procedures in emergency rules pursuant to section 15.0412, subdivision 5. The state board of education shall consider the standards of the state board of health for early and periodic screening programs in establishing these procedures.

Subd. 2. The state board of education, in cooperation with the state board of health, shall provide information and consultation services to school boards.

Subd. 3. The state board of education, in cooperation with the state board of health, shall report to the legislature by February 1, 1979, on the success of the screening programs in accomplishing the purposes specified in section 1.

Sec. 4. [DATA USE.] Data on individuals collected in screening programs established pursuant to section 2 is private, as defined by section 15.162, subdivision 5a. Individual and summary data shall be reported to the school district by the health provider who performs the screening services, for the purposes of developing appropriate educational programs for children and appropriate health education programs for the district; provided, no data on an individual shall be disclosed to the district without the consent of that individual's parent or guardian.

Sec. 5. [STATE AID.] The department of education shall reimburse each school district for the cost of screening services provided pursuant to this act. The reimbursement shall not exceed \$..... per child screened in fiscal year 1978 and \$..... per child screened in fiscal year 1979. Any district may request and receive an advance payment equal to 50 percent of its estimated reimbursement for screening eligible children.

Sec. 6. [APPROPRIATION.] Subdivision 1. There is appropriated to the department of education from the general fund the sum of \$..... for fiscal year 1978 and \$..... for fiscal year 1979 for reimbursement of school districts as provided in section 5 of this act.

Subd. 2. There is appropriated to the state board of education from the general fund the sum of \$..... for fiscal year 1978 and \$..... for fiscal year 1979, for consultation with school districts and for evaluation of the screening programs established pursuant to section 2, subdivision 1, of this act.

Subd. 3. There is appropriated to the department of health from the general fund the sum of \$..... for fiscal year 1978 and \$..... for fiscal year 1979, for the purposes of: training staff to provide screening services required by this act; providing technical assistance to screening programs established pursuant to this

act; and monitoring and evaluation of screening programs established pursuant to this act.

Subd. 4. Any unexpended balances remaining from the appropriations for fiscal year 1978 in this section shall not cancel but shall be available for fiscal year 1979."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Coleman questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 872: A bill for an act relating to state government; transferring certain functions of the department of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 246.02, Subdivision 2; 253.015; and 254.05.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. The commissioner of public welfare shall, on or before January 15, 1978, cease providing services at Hastings state hospital. The transfer of patients and patient records from Hastings state hospital, and the disposal of land, buildings and other property at Hastings state hospital shall be conducted in accordance with state law. The commissioner shall, to the extent possible, provide at least 30 days notice of the transfer, and allow patients and their parents, spouse or guardian input as to the institution to which the patient is to be transferred.

Sec. 2. In the next and subsequent editions of the Minnesota Statutes, the revisor of statutes shall delete all references to Hastings state hospital wherever they appear."

Further amend the title as follows:

Page 1, line 2, strike "transferring certain" and insert "closing Hastings state hospital."

Page 1, strike lines 3 to 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 159: A bill for an act relating to retirement; correcting outdated references in the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 25; 354.41, Subdivision 3; 354.49, Subdivision 1; 354.53, Subdivision 1; 354.55, Subdivisions 6, 15, and 18; and 354.58.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 914: A bill for an act relating to the city of Mankato; providing for the service of the police and fire chiefs.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, strike "serve at"

Page 1, strike line 8

Page 1, line 9, strike "notwithstanding any contrary law" and insert "be exempt from civil service coverage"

Page 1, line 9, after the period, insert "In no event shall the chief of the Mankato police department or the chief of the Mankato fire department be dismissed or suspended except for just cause."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 742: A bill for an act relating to the White Bear Lake conservation district; increasing membership on its governing board; providing for selection of board officers; amending Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 411: A bill for an act relating to peace officers; providing for training and licensing; renaming the peace officer training board and giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 626.841; 626.843, Subdivisions 1 and 2; 626.845; 626.846; 626.847; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Section 626.844.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 626, is amended by adding a section to read:

[626.84] [DEFINITIONS.] *For the purposes of section 1 and sections 626.841 to 626.854, the following terms shall have the meanings given them:*

(a) "Board" means the board of peace officer training and licensing;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

Sec. 2. Minnesota Statutes 1976, Section 626.841, is amended to read:

626.841 [ESTABLISHMENT OF BOARD; MEMBERS.] There is hereby erected in the office of the attorney general the Minnesota peace officer training board, hereinafter referred to as the "board." The board of peace officer training and licensing shall be composed of the following:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) ~~Two~~ three members to be appointed by the governor from among the chiefs of police of Minnesota municipalities, at least one of whom shall be a chief of police from a city of the first class;

(c) Two members to be appointed by the governor from among peace officers in Minnesota municipalities other than chiefs of police or county sheriffs;

(d) Two members to be appointed by the governor from among the county attorneys or their assistants in Minnesota, one of whom shall be from a county containing a city of the first class;

(e) The chiefs of police of each city of the first class;

(f) (d) The superintendent of the Minnesota bureau of criminal apprehension commissioner of public safety or his designee;

(g) The chief of the Minnesota highway patrol or his designee;

(h) The special agent in charge of a field office of the federal bureau of investigation in this state or his designee;

(i) The attorney general or his designee, and

(j) ~~Two~~ (e) Three public members to be appointed by the governor from among the general public.

Sec. 3. Minnesota Statutes 1976, Section 626.842, is amended to read:

626.842 [TERMS; MEETINGS; COMPENSATION; REMOVAL; VACANCIES.] Subdivision 1. If any incumbent sheriff, chief of police, or peace officer or county attorney so appointed ceases to be a sheriff, chief of police, or peace officer or county attorney prior to the expiration of his terms as a member of

the board, the governor shall be notified by the executive director of the board that a vacancy exists or is about to exist, and the governor shall forthwith appoint some other incumbent sheriff, chief of police ; or peace officer or county attorney to complete his term. Similar notification shall be made by the executive director of a vacancy existing or about to exist as to a member appointed pursuant to clause (j) (e) and the governor shall make a similar appointment.

Meetings shall be called at the request of the executive director ; the attorney general, or upon the written request of a majority of the members of the board. All recommendations by the board to the attorney general shall require the affirmative vote of a majority of the members of the board.

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of his appointment to the board, nor shall he forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary.

Subd. 2. The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, clauses (a), (b), (c), (d), and (j) (e) on the board ; the provision of staff, administrative services and office space; the review and processing of complaints; the renewal of licenses; the setting of fees; and other matters relating to board operations shall be as provided in section 15.0575 chapter 214.

Sec. 4. Minnesota Statutes 1976, Section 626.843, Subdivision 1, is amended to read:

626.843 [RULES AND REGULATIONS, RECOMMENDATIONS; EXECUTIVE DIRECTOR.] Subdivision 1. The Minnesota peace officer training board may recommend to the attorney general shall adopt rules and regulations with respect to:

(a) The approval or disapproval thereof, of peace officer training schools or courses including training schools for the Minnesota highway patrol. Such schools shall include schools administered by the state, county, school district, municipality, or joint or contractual combinations thereof ; and such courses shall include police training courses taught at vocational schools and trade schools ;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each approved peace officers training school located within the state;

(c) Minimum qualifications for instructors at approved peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational

fitness which shall govern the recruitment *and licensing* of nonselective peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum basic training which peace officers not appointed for temporary or probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent employment, and the time within which such basic training must be completed following such appointment on a nonpermanent basis;

~~(h) Categories or classifications of advanced Minimum in-service training programs and minimum courses of study and attendance requirements with respect to such categories and classifications continuing education courses and other requirements for the renewal of licenses of peace officers ;~~

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; and

(j) Such other matters as may be necessary *consistent with sections 626.841 to 626.854, and section 1. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with Sections 626.841 to 626.854, and section 1.*

Sec. 5. Minnesota Statutes 1976, Section 626.845, is amended to read:

626.845 [EXECUTIVE DIRECTOR.] The executive director, on behalf of the board, shall have the following powers and duties, to be exercised with the approval of the board and to be executed only in full accordance with the rules and regulations promulgated by the attorney general pursuant to section 626.844; board:

(a) To approve peace officers' training schools administered by state, county and municipalities located within this state;

(b) To issue certificates of approval to such approved schools, and to revoke such certification of approval when necessary to maintain the objectives and purposes of sections 626.841 to 626.854;

(c) To certify, as qualified, instructors at approved peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To ~~certify~~ *issue licenses and renewals of licenses to peace*

officers who have satisfactorily completed basic training programs, and to issue appropriate certificates to such peace officers and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of advanced in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer training;

(i) To perform such other acts as may be necessary and appropriate to carry out his powers and duties as set forth in the provisions of sections 626.841 to 626.854;

(j) To report to the board, from time to time, at the regular meetings of the board and at such other times as may be required by the board.

Sec. 6. Minnesota Statutes 1976, Section 626.846, Subdivision 1, is amended to read:

626.846 [ATTENDANCE, FORFEITURE OF POSITION.] Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any no peace officer employed or elected on or after July 1, 1967 July 1, 1978, by any state or regional agency, county, town, municipality or joint or contractual combination thereof of the state of Minnesota with a population of more than 1,000 according to the last federal census shall attend a peace officers training course within 12 months of his appointment, except as provided in section 626.853 be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843.

Sec. 7. Minnesota Statutes 1976, Section 626.846, is amended by adding subdivisions to read:

Subd. 3. No peace officer required to be licensed under this section shall be eligible for continued employment without having his license renewed pursuant to rules promulgated pursuant to section 626.843.

Subd. 4. A peace officer who has received a permanent appointment prior to July 1, 1978, shall be licensed by the board if the officer has met the requirements of sections 626.841 to 626.854 prior to that date and if the officer has requested licensing by the board. Peace officers receiving a license under this subdivision shall have their license renewed in the same manner as required of other licensed peace officers.

Subd. 5. After July 1, 1978, no state or regional agency, county, town, municipality or joint or contractual combination thereof may employ a person as a peace officer who has not satisfactorily completed a course of pre-service training as required by the board by rule.

Sec. 8. Minnesota Statutes 1976, Section 626.848, is amended to read:

626.848 [TRAINING COURSES; LOCATIONS.] *Subject to board rules*, the superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

Sec. 9. Minnesota Statutes 1976, Section 626.85, Subdivision 1, is amended to read:

626.85 [INSTRUCTORS; DONATIONS, CONTRIBUTIONS.] Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part time instructors as he deems proper and necessary to furnish the best possible instruction in police sciences, *subject to board rules and* to the limitation of funds as appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to such part time employees.

Sec. 10. Minnesota Statutes 1976, Section 626.851, Subdivision 2, is amended to read:

Subd. 2. Any student successfully completing 1000 hours of law enforcement instruction in a post secondary educational law enforcement program which is approved by the Minnesota state department of education or an accredited institution of higher learning shall be eligible, upon compliance with the requirements prescribed by rules of the ~~attorney general for the Minnesota peace officer training~~ board, to receive the minimum basic police training as established under section 626.843 conducted by the Minnesota bureau of criminal apprehension in facilities provided by the institute. Upon satisfactory completion of the training course conducted by the bureau the certificate shall be awarded to the individual.

Sec. 11. Minnesota Statutes 1976, Section 626.854, is amended to read:

626.854 [COOPERATION WITH FEDERAL GOVERNMENT.] ~~The Minnesota peace officers training~~ board shall have the further power and authority to cooperate with, receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of peace officer training within the state.

Sec. 12. Minnesota Statutes 1976, Section 214.01, Subdivision 3, is amended to read:

Subd. 3. "Non-health related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, the board of cosmetology examiners established pursuant to section 155.04, the board of assessors established pursuant to section 270.41, the board of architecture, engineering and land surveying established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.33, the board of examiners in watchmaking established pursuant to section 326.541, the board of boxing established pursuant to section 341.02, and the board of abstractors established pursuant to section 386.63, and the peace officer training and licensing board established pursuant to section 626.841.

Sec. 13. *Minnesota Statutes 1976, Sections 626.843, Subdivision 2; 626.844; 626.846, Subdivision 2; 626.847, and 626.853 are repealed.*

Sec. 14. *This act is effective July 1, 1977."*

Amend the title by striking it and inserting:

"A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 2; 626.844; 626.846, Subdivision 2; 626.847; and 626.853."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 665: A bill for an act relating to pollution; prohibiting littering; prescribing the powers and duties of the commissioner of transportation in regard thereto; requiring litter bags in certain vehicles and watercraft and litter receptacles in public places; prescribing a litter license fee on certain manufacturers, wholesalers, distributors, and retailers; prescribing penalties; appropriating money; repealing Minnesota Statutes 1976, Sections 169.42; and 609.68.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 116E.03, Subdivision 7, is amended to read:

Subd. 7. [EMPLOYMENT OF STAFF.] The state board and

the regional councils may employ such ~~the~~ administrative and clerical staff as may be necessary to carry out the functions of the state board and regional councils as described in sections 116E.01 to 116E.04, including, but not limited to, an executive director to represent and manage the affairs of the state board, and/or regional councils, as the case may be. All employees, except the executive director, serving the board who were hired after July 1, 1976, shall be in the classified civil service of the state. In addition, the state board and regional councils may employ and fix the compensation of such any experts and consultants as may be necessary to carry out their functions under sections 116E.01 to 116E.04.

Sec. 2. Minnesota Statutes 1976, Section 116E.03, Subdivision 7a, is amended to read:

Subd. 7a. [EXECUTIVE DIRECTOR.] The executive director of the state board shall be experienced in the administration of environment-related programs. All employees serving the board shall be in the classified civil service of the state. This subdivision shall not apply to board employees serving on July 1, 1976. He shall be appointed by the governor with the consent of the senate for a four year term, which shall coincide with the term of the governor and shall serve until his successor duly appointed and qualifies. The governor may remove the director at any time at his pleasure. A vacancy in the office of executive director shall be filled by the governor with the consent of the senate, for the unexpired term.

Sec. 3. Minnesota Statutes 1976, Section 116E.03, Subdivision 8, is amended to read:

Subd. 8. [CONTRACTS.] The chief administrative officer executive director of the state board may contract with persons, firms, corporations, organizations, units of government or institutions of higher learning for doing any of the work of his office, and none of the provisions of chapter 16, relating to bids, shall apply to such contracts. The regional councils may contract with the regional development commissions designated by the governor pursuant to Minnesota Statutes 1971, Section 462.385, to accomplish the purposes of sections 116E.01 to 116E.04. All personnel employed and all contracts entered into pursuant to this subdivision shall be subject to the approval of the state board. Agreements to exercise delegated powers shall be by written order filed with the secretary of state.

Sec. 4. Minnesota Statutes 1976, Section 174.02, Subdivision 2, is amended to read:

Subd. 2. [UNCLASSIFIED POSITIONS.] The commissioner may establish four five positions in the unclassified service at the deputy and assistant commissioner, assistant to commissioner or personal secretary levels. No more than two of these positions shall be at the deputy commissioner level. The commissioner shall delegate his responsibilities and duties specified in sections 5 to 18 of this act to one of the persons in the unclassified service.

Sec. 5. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.61] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 5 to 18, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.*

Subd. 2. "Commissioner" means the commissioner of transportation.

Subd. 3. "Department" means the department of transportation.

Subd. 4. "Litter" means all waste material including but not limited to any glass, bottles, nails, tacks, wire, cans, garbage, swill, papers, carcass of any dead animal, offal, trash or rubbish.

Subd. 5. "Litter bag" means a bag or container with a capacity of at least one quart, but not more than eight quarts.

Subd. 6. "Person" means any corporation, partnership, association, or individual.

Subd. 7. "Vehicle" means any self-propelled device licensed to be operated on the public highways of this state or any snowmobile.

Subd. 8. "Watercraft" means any boat, ship, vessel, barge, or other floating craft in which individuals or personal property may be transported.

Subd. 9. "Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

Subd. 10. "Peace officer" has the meaning specified in section 352E.01, subdivision 2.

Sec. 6. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.62] [RULES; APPLICATION.] *In addition to his other powers and duties, the commissioner shall promulgate rules necessary to carry out the provisions of sections 5 to 18, provided the rules are not inconsistent with any rules promulgated by the pollution control agency concerning the transporting, storing, dumping, or removing of solid waste. The rules shall specify standards concerning the distribution and location of litter receptacles in public places.*

Sec. 7. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.63] [ENFORCEMENT.] *All peace officers shall enforce the provisions of sections 5 to 16 and all rules adopted thereunder and may issue citations to, and arrest without warrant, persons violating any provision of sections 5 to 16 or any of the rules adopted thereunder. Any person may file a complaint in regard to a violation of sections 5 to 16 or the rules adopted thereunder with the appropriate law enforcement agency. All law enforcement officials may serve and execute all warrants, citations, and other process issued by courts in enforcing the provisions of sections 5 to 16 and rules adopted thereunder. Mailing by certified mail of*

a warrant, citation, or other process to the last known place of residence of the person charged shall be deemed personal service.

Sec. 8. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.64] [LITTERING PROHIBITED.] *Subdivision 1. No person shall throw, place, dump, discard or otherwise deposit, or cause to be thrown, placed, dumped, discarded or otherwise deposited any litter on any public street, highway, land, water or the ice thereon except with the permission of and in the manner prescribed by the governing body having jurisdiction over the public places.*

Subd. 2. No person shall throw, place, dump, discard or otherwise deposit, or cause to be thrown, placed, dumped, discarded or otherwise deposited any litter on any privately owned land or water or the ice thereon except with the permission of and in the manner prescribed by the owner thereof.

Subd. 3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

Subd. 4. No person shall drop or hurl any destructive or injurious material or object at or upon any motor vehicle or the occupants thereof upon any highway.

Sec. 9. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.65] [OWNER OR OPERATOR LIABILITY.] *It shall be unlawful for the owner of a vehicle or watercraft, if he is then present in the vehicle or watercraft, or the driver of the vehicle as defined in section 169.01, subdivision 25, or the operator of the watercraft as defined in section 361.02, subdivision 6, to allow a passenger in his vehicle or watercraft to violate section 8, subdivision 1 or 2. This section shall not apply to a school bus or a vehicle transporting passengers for hire.*

Sec. 10. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.66] [LITTER RECEPTACLES; PUBLIC PLACES.] *Every person owning or operating any public place in which litter receptacles are required by the rules of the commissioner shall obtain and place receptacles at his own expense on the premises in accordance with the rules adopted by the commissioner. The owner or person operating a public place may limit the litter placed in litter receptacles to that which is normally contained in approved litter bags.*

Sec. 11. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.67] [LITTER BAGS REQUIRED.] *No person shall operate a vehicle or a watercraft unless it contains a litter bag.*

Sec. 12. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.68] [LITTER BAGS; DESIGN AND DISTRIBUTION.] *The department may make available litter bags and other promotional material bearing the statewide anti-litter symbol. These litter bags may be distributed by the department of public safety, at no charge, to the owner of every licensed vehicle in this state at the time of license renewal. The department may provide these litter bags at no charge at rest areas, field offices and other places deemed appropriate by the commissioner. The department of natural resources may make these litter bags available to the owners of watercraft in this state at the time of license renewal.*

Sec. 13. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.69] [LITTER CONTROL PROGRAMS; PUBLIC EDUCATION; DISTRIBUTION OF FUNDS.] *The commissioner shall coordinate programs involving public and private agencies for the purposes of research, development, and public education concerning the litter problem. He shall actively encourage the cooperation and support of labor, industry and other persons interested in anti-litter activities. The commissioner shall be the agent of the state for receipt of public or private funds and gifts made available for purposes of sections 5 to 18. Any funds or gifts received pursuant to this section are annually appropriated to the commissioner for the purposes of sections 5 to 18. He may make grants available for the purposes stated in this section to those persons he deems appropriate and qualified.*

Sec. 14. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.70] [PENALTIES.] *Subdivision 1. Any person who violates the provisions of section 8, is guilty of a misdemeanor. Upon the conviction of any person for a violation of section 8, subdivision 1 or 2, the court may order the violator to work under the supervision of a conservation officer or the department for up to eight hours in any program of litter removal or beautification.*

Subd. 2. Any person who fails to provide litter receptacles as required by section 10, is guilty of a petty misdemeanor.

Subd. 3. Any person who violates the provisions of section 11, may be fined not more than \$10.

Sec. 15. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.71] [FINES; GOVERNMENTAL SHARING.] *Any political subdivision which collects a fine or bail forfeiture under the provisions of sections 5 to 18 shall forward one half of the collected amounts to the general fund of the state treasury. These funds are hereby appropriated to the commissioner for the purposes of implementing sections 5 to 18.*

Sec. 16. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.72] [NOTICE TO PUBLIC.] *The commissioner, with the*

approval and cooperation of the Minnesota environmental education board, shall take appropriate action as necessary to inform the public of the contents of sections 5 to 18 and the penalties for violation thereof.

Sec. 17. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.73] [LITTER COLLECTION AND SURVEY.] *The department shall make a collection and survey of litter to be completed by November 30, 1978, of the types and kinds of litter that are discarded in violation of the laws of the state. The survey shall include litter found throughout the state, including standard metropolitan statistical areas and rural and recreational areas. To the fullest extent possible, in standard metropolitan statistical areas the department shall make use of local litter and trash collection services through arrangements with local governing bodies and appropriate agencies, in the discharge of the duties imposed by this section. The department shall report to the governor and the legislature on the amount of litter collected pursuant to this section and shall include in its report an analysis by item, weight and volume, and, where practicable, the biodegradability of the types of products, packages, wrappings and containers which compose the principal amounts of the litter collected. The products whose packages, wrappings and containers constitute the litter shall include, but not be limited to the following categories:*

- (a) Food for human or pet consumption;*
- (b) Groceries;*
- (c) Cigarettes and tobacco products;*
- (d) Soft drinks and carbonated waters;*
- (e) Beer and other malt beverages;*
- (f) Wine;*
- (g) Newspapers and magazines;*
- (h) Paper products and household paper;*
- (i) Glass containers;*
- (j) Metal containers;*
- (k) Plastic or fiber containers made of synthetic materials;*
- (l) Cleaning agents and toiletries;*
- (m) Nondrug drugstore sundry products; and*
- (n) Distilled spirits.*

Sec. 18. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.74] [LITTER LICENSE FEE; AMOUNT; COLLECTION APPROPRIATION.] *There is hereby levied and imposed upon every person in the state engaged in business as a manufacturer, wholesaler, distributor or retailer of products described*

in section 17 whose gross sales of such products exceed \$150,000, an annual litter fee of \$25 per \$150,000 annual gross sales of such products within the state of Minnesota. In calculating gross sales for purposes of the litter fee, all sales within the meaning of section 297A.25, subdivision 1, clause (d), shall be exempt. The license fee shall be due and payable on or before January 31 of each year and shall be collected annually by the department of revenue in the same manner as the sales and use tax imposed under Minnesota Statutes, Chapter 297A. The receipts of the litter license tax and any unappropriated and unexpended revenue from the tax imposed pursuant to section 168B.11 shall be deposited in the general fund and are hereby annually appropriated as follows for the purposes of sections 5 to 18: . . . percent to the commissioner of transportation, . . . percent to the director of the pollution control agency, and . . . percent to the commissioner of revenue.

Sec. 19. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.74] [RULES.] *The commissioner of revenue shall promulgate rules necessary to implement and collect the litter license fee imposed pursuant to this act.*

Sec. 20. [REPEALER.] *Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42 and 609.68, are repealed.*

Sec. 21. [APPROPRIATION.] *Subdivision 1. There is appropriated from the general fund to the commissioner of transportation the following amounts for the following purposes for the period from July 1, 1977, to June 30, 1979:*

- (a) *For litter pick up* \$.....
- (b) *For a contract with the Minnesota environmental education board for public education concerning litter, recycling, and resource recovery*
- (c) *For administrative expenses to implement sections 5 to 18 of this act*

Subd. 2. There is appropriated from the general fund to the director of the pollution control agency the following amounts for the period from July 1, 1977, to June 30, 1979:

- (a) *For the purpose of making grants for recycling and resource recovery projects*
- (b) *For the packaging review program*

Subd. 3. There is appropriated from the general fund to the commissioner of revenue the sum of \$..... for the period from July 1, 1977, to June 30, 1979, for the administrative expenses of collecting the litter license fee established in section 18 of this act.

Sec. 22. [EFFECTIVE DATE.] *Sections 1 to 9, 12 to 17, and 19 to 20 are effective the day following final enactment. Sections 10, 11 and 18 are effective January 1, 1978."*

Amend the title as follows:

Line 2, after "pollution;" insert "requiring the director of the Minnesota environmental education board to be appointed by the governor;"

Line 10, after the semicolon insert "amending Minnesota Statutes 1976, Sections 116E.03, Subdivisions 7, 7a and 8; and 174.02, Subdivision 2; and Chapter 174, by adding sections;"

Line 11, after "Sections" insert "85.20, Subdivision 6;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 536: A bill for an act relating to Independent School District No. 196 (Rosemount) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 196 and annexed to Independent School District No. 194.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, strike "475.74" and insert "475.64"

Page 2, strike lines 14 to 18

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 537: A bill for an act relating to Independent School District No. 721 (New Prague) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 721 and annexed to Independent School District No. 194.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 120: A bill for an act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause, and insert:

“Section 1. [CITATION.] Sections 1 to 11 of this act may be cited as the bilingual education act.

Sec. 2. [DECLARATION OF POLICY.] The legislature finds (1) that the population of this state includes a large number of Spanish speaking children who, due to the influence of a language other than English in their family, community, or peer group, are having difficulty performing ordinary classroom work in English; (2) that public school classes in which instruction is given only in English are inadequate for an individual with only limited English speaking ability; (3) that many of such children have a cultural heritage which differs from that of English speaking persons; (4) that a primary means by which a child learns is through the use of such child's language and cultural heritage; (5) that, therefore, large numbers of children of limited English speaking ability have educational needs which can be met by the use of bilingual educational methods and techniques; (6) that providing individuals with the educational opportunity to develop their English language skills in the most effective way possible is important to our democratic society, which relies on citizen participation; and (7) that, in addition, children of limited English speaking ability benefit through the fullest utilization of multiple language and cultural resources. Therefore, pursuant to the policy and law of the state to provide equal and meaningful educational opportunity to every individual, it is the purpose of sections 1 to 11 to provide for the establishment of bilingual educational programs.

Sec. 3. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 11 of this act, the words, phrases, and terms defined in this section shall have the meanings given to them.

Subd. 2. “Children of limited English speaking ability” means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof, have difficulty reading, writing, speaking, and understanding ordinary classroom instruction and have difficulty in performing ordinary classwork in the English language.

Subd. 3. “Primary language” is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 4. “Advisory task force” means the state advisory task force on bilingual education programs.

Subd. 5. “Parent” or “Parents” includes a child's legal guardian.

Sec. 4. [BILINGUAL EDUCATION PROGRAMS.] Subdivision 1. [INSTRUCTION DESCRIBED.] Bilingual education programs are programs of instruction enrolling children of limited English speaking ability in elementary and secondary schools in which:

(a) There is instruction given in and study of both English and the primary language of the children of limited English speaking ability, in all courses or subjects of study, to the extent

necessary to allow the children to progress effectively through the educational system and to attain the basic skills so that they will be able to perform ordinary classwork successfully in English;

(b) This instruction is given with sensitivity to and appreciation for the cultural heritage of the children of limited English speaking ability;

(c) There is instruction given in the history, culture and heritage of the children of limited English speaking ability and in the history and culture of the United States;

(d) Support components are developed for staff, including inservice training and technical assistance in methods of bilingual teaching. This inservice training shall include but not be limited to: (i) Development of instructional and personal skills in reading, writing and speaking; (ii) Opportunities to develop general and bilingual teaching skills; (iii) Opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual education programs;

(e) Orientation to the purposes and values of the bilingual program is provided to district staff. Bilingual programs may include: research projects, including experimentation with and evaluation of methods of relating to pupils of limited English speaking ability; provision of personal and vocational counseling to pupils of limited English speaking ability; and modification of curriculum, instructional methods, and administrative procedures to meet the needs of pupils of limited English speaking ability.

Subd. 2. [ADDITIONAL PROGRAM REQUIREMENTS.]
Bilingual education programs shall be subject to the following additional requirements:

(a) Children with different non-English primary languages shall not be combined in the same bilingual education program class;

(b) If graded classes are used, children enrolled in the program shall be placed, to the extent practicable, in classes with others of approximately the same age and level of educational attainment. If individuals of significantly varying ages or levels of educational attainment are placed in the same class, the bilingual program shall insure that each child is provided with instruction which is appropriate for his or her level of educational attainment and educational needs;

(c) Instruction given in two languages in a bilingual program shall be appropriate to the linguistic abilities of the children enrolled and the program shall be designed to provide intensive instruction to meet the objectives described in sections 1 to 11 of this act, and shall be sufficient to meet the educational needs of children of limited English speaking ability;

(d) Nothing in sections 1 to 11 shall be construed to authorize isolation of children of limited English speaking ability for a substantial portion of the school day.

Subd. 3. [NOTICE OF ENROLLMENT; CONTENT; RIGHTS

OF PARENTS.] *When a pilot program is established pursuant to sections 1 to 11 of this act, every school age child of limited English speaking ability residing in a school district participating in a pilot program and not enrolled in an existing private school system shall be enrolled and participate in the program in transitional bilingual education, established for the classification to which he belongs by the school district, for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction given only in English, whichever shall first occur.*

No later than ten days after the enrollment of any child in a program in transitional bilingual education, the school district in which the child resides shall notify by mail the parents of the child. Such notice shall:

(a) Be in writing and be in English and in the primary language of the child's parents;

(b) Inform the parents that their child has been enrolled in a program in transitional bilingual education;

(c) Contain a simple, nontechnical description of the purposes, method and content of the program;

(d) Inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled;

(e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and

(f) Inform the parents of their right to withdraw their child from a program in transitional bilingual education and the time and manner in which to do so.

Any parent whose child is enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school in which his child is enrolled or to the superintendent of the school district in which his child resides; provided that no withdrawal shall be allowed until the parent is informed in a conference with school district officials of the nature and purpose of the program. At that conference, parents must also be informed of the nature of the program into which the child will be placed. The conference shall be held in a manner and language understood by the parents. Nothing herein shall preclude a parent from reenrolling a child of limited English speaking ability in the bilingual educational program.

Subd. 4. [ENROLLMENT OF OTHER CHILDREN; SHARED TIME ENROLLMENT.] *To the extent it is economically feasible, a program of bilingual education may make provision for the voluntary enrollment of children whose primary language is English, in order that they may acquire an under-*

standing of the cultural heritage of the children of limited English speaking ability for whom that particular program of bilingual education is designed. In determining eligibility to participate in a program, priority shall be given to the children whose primary language is other than English and this subdivision shall not operate or be construed to limit the obligation of school districts to enroll all individuals of limited English speaking ability in a transitional bilingual program operated in accordance with subdivision 3 of this section. In no event shall the program be designed for the purpose of teaching a foreign language to English speaking children. Children of limited English speaking ability and English speaking children enrolled in an existing nonpublic system may be enrolled on a shared time basis in bilingual education programs.

Subd. 5. [NEW STUDENTS.] All districts providing a bilingual education program under sections 1 to 11 shall take all affirmative steps necessary to immediately identify children of limited English speaking ability who enroll in the public schools after the implementation of the program and to assess and classify such children in accordance with the provisions of section 10 of this act. All such children who are identified as limited English speaking shall be immediately enrolled in the bilingual education program, subject to the requirements of subdivision 3 of this section.

Subd. 6. [ASSIGNMENT OF STUDENTS.] No school district shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 7. [NONVERBAL COURSES AND EXTRACURRICULAR ACTIVITIES.] In predominantly nonverbal subjects, such as art, music, and physical education, children of limited English speaking ability shall participate fully and on an equal basis with their contemporaries in the public school classes provided for these subjects. Every school district shall ensure to children enrolled in bilingual education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the children of limited English speaking ability, or which are otherwise necessary to accomplish the objectives described in sections 1 to 11 of this act.

Sec. 5. [TEACHERS; LICENSES; EXEMPTIONS.] Subdivision 1. [BILINGUAL EDUCATION LICENSES.] The board of teaching, hereinafter the board, shall grant teaching licenses in bilingual education to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, or meet such requirements as to course of study and training as the board may prescribe.

Subd. 2. [PERSONS HOLDING GENERAL TEACHING LICENSES.] A person holding a general teaching license who presents the board with satisfactory evidence of competence and communicative skills in a language other than English may be licensed under this section.

Subd. 3. [EMPLOYMENT OF TEACHERS.] Teachers employed in a bilingual education program established pursuant to sections 1 to 11 of this act shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. [TEACHER PREPARATION PROGRAMS.] For the purpose of licensing bilingual teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. [PERSONS ELIGIBLE FOR EMPLOYMENT EXEMPTIONS.] Any person licensed under this section shall be eligible for employment by a school board as a teacher in a bilingual education program in which the language for which he is licensed is taught or used as a medium of instruction. A school board may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board upon request may be exempted from the licensure requirements of this section in the hiring of one or more bilingual education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the district in the securing of the teachers.

Subd. 6. [PERSONS SERVING UNDER EXEMPTIONS; LICENSURE; TENURE.] A bilingual education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by a bilingual education teacher under an exemption shall be credited to the teacher for the purposes of Minnesota Statutes, Section 125.12, and not more than two years shall be credited to the teacher for the purpose of Minnesota Statutes, Section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 7. [COMPENSATION.] A public school teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.

Subd. 8. [AFFIRMATIVE EFFORTS IN HIRING.] In hiring for all positions in bilingual education programs school districts shall give preference to and make affirmative efforts to seek, recruit, and employ persons who are (a) native speakers of the language which is the medium of instruction in the bilingual education program, and (b) who share the culture of the limited English speaking children who are enrolled in the program. The district shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

Sec. 6. [TEACHERS AIDES; COMMUNITY COORDINATORS.] *In addition to employing bilingual teachers, each district providing bilingual education programs pursuant to sections 1 to 11 of this act may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting bilingual teachers.*

Any district which conducts bilingual education programs pursuant to sections 1 to 11 of this act shall employ one or more full time or part time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote communication understanding, and cooperation between the public schools and the community and shall visit the homes of children who are to be enrolled in a bilingual education program in order to convey information about the program.

Sec. 7. [PARENT AND COMMUNITY PARTICIPATION.] *Subdivision 1. School boards shall provide for the maximum involvement of parents of children enrolled in bilingual education programs pursuant to sections 1 to 11 of this act. Accordingly, before implementing a program, the school district shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and opportunity to express their views concerning all aspects of the bilingual education program and the educational needs of the children of limited English speaking ability residing within the district's attendance boundaries. The district shall ensure that the program is planned, operated, and evaluated with the effective involvement of and in consultation with parents of children enrolled or eligible to be served by the program.*

Subd. 2. The committees shall be composed solely of parents of children enrolled or eligible to be enrolled in bilingual programs; secondary students enrolled or eligible to be served; bilingual education teachers, aides, counselors, and other bilingual education program personnel; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and the number of parents of limited English speaking children and parents of children whose primary language is English shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. All notices and other information sent to the parent advisory committees shall be in English and in the primary language of the parent members.

Subd. 5. Nothing in this section shall be construed as prohibiting the school board from establishing procedures whereby parents whose children are enrolled or eligible to be enrolled in the bilingual education program select, consistent with the provisions of this section, the members of the parent advisory committee. Nothing in this section shall be construed as prohibiting school boards from establishing a parent advisory committee prior to the submission of a proposal under section 10 for a bilingual education program.

Subd. 6. School districts which have already established a parent advisory committee pursuant to section 703 (a)(4)(e) of Title VII of the Elementary and Secondary Education Act of 1965 may utilize that committee for the purpose of complying with the provisions of this section.

Sec. 8. [STATE BOARD OF EDUCATION DUTIES.] Subdivision 1. [NEEDS ASSESSMENT.] *The state board of education shall conduct a statewide assessment of the need for bilingual education programs, which shall include information on:*

(a) Numbers, ages, locations by school district, and primary language, race, national origin, and level of family income of children of limited English speaking ability;

(b) Concentration of children of limited English speaking ability in attendance areas within school districts by primary language, race, national origin, and level of family income;

(c) Placement rates of children of limited English speaking ability in classes for handicapped pupils, in comparison with school-wide and districtwide placement rates;

(d) Achievement test scores, mobility rates and dropout rates of children of limited English speaking ability in comparison with average achievement test scores, mobility rates and dropout rates;

(e) Any other data deemed necessary to assessment of the need for bilingual education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating to privacy and student records.

Any needs assessment previously conducted by a school district which is determined to be current and which meets the requirements of this subdivision may be used as the basis for a program proposal and funding under section 10 prior to the completion of the statewide assessment and may be used by the state board as a part of its statewide assessment.

Subd. 2. [RESOURCE EVALUATION.] *The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of children of limited English speaking ability, including information on:*

(a) Numbers, location, qualifications, and primary language and national origin of teachers, aides, administrators, counselors, and potential post secondary education graduates from non-English speaking backgrounds who have an interest in working in bilingual programs;

(b) Programs within the state designed for the preparation of bilingual education teachers;

(c) The effectiveness of existing programs for children of limited English speaking ability within the state;

(d) Successful and innovative preservice and inservice programs for staffs of bilingual education programs; and

(e) *Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying children of limited English speaking ability.*

Subd. 3. [PROGRAM MODELS.] *The state board shall gather information about the theory and practice of bilingual education and design program models appropriate for meeting the need for bilingual education in conjunction with the basic educational program in the state.*

Subd. 4. [EVALUATION OF PROGRAMS.] *The state board shall provide for comprehensive evaluation of pilot programs funded under sections 1 to 11 of this act. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonpublic, community, or alternative schools, including assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs, provided that the nonpublic, community, or alternative school consents to the evaluation of its existing program.*

Subd. 5. [COMMUNITY INVOLVEMENT.] *The state board shall provide for the maximum involvement of the state advisory task force on bilingual education, parents of children of limited English speaking ability, secondary students eligible to be served, bilingual education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of bilingual education, in the formulation of policy and procedures relating to the administration of sections 1 to 11 of this act.*

Subd. 6. [CONSULTATION.] *The state board shall consult with and make recommendations to other public departments and agencies in connection with the administration of sections 1 to 11 of this act.*

Subd. 7. [TEACHER LICENSURE.] *The state board shall provide to the board of teaching a report on its research and experience in bilingual education insofar as such research may have a bearing on the establishment of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in Minnesota Statutes, Section 125.185, Subdivision 4.*

Subd. 8. [TECHNICAL ASSISTANCE.] *The state board of education shall provide technical assistance to school districts and post secondary institutions for preservice and inservice training for bilingual education teachers and teachers' aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for bilingual programs.*

Subd. 9. [APPLICATION FOR FUNDS.] *The state board shall apply for grants or funds which are or may become, available under federal programs for bilingual education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.*

Subd. 10. [REPORT.] *The state board shall make a report to the legislature, the governor and the public on or before*

September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, the number of children served in programs for each language group; the cost of the program per pupil for each pilot program language group, and program type; the number of children in each school district, language group and program type who, as a result of the bilingual education program, improved their English language ability to such an extent that the program is no longer necessary for those children; and recommendations for legislation including any need for expansion and accompanying plans and cost estimates in the areas of bilingual education.

Subd. 11. [RULES AND REGULATIONS.] The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 1 to 11 of this act.

Sec. 9. [ADVISORY TASK FORCE ON BILINGUAL EDUCATION PROGRAMS.] Subdivision 1. [ESTABLISHMENT.] The state board of education shall appoint an advisory task force on bilingual education programs. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, bilingual administrators and teachers, persons experienced in the training of teachers for bilingual education programs, persons involved in programs for children of limited English speaking ability in nonpublic, community, or alternative schools, and persons knowledgeable in the field of bilingual education. Members shall be appointed so as to be representative of significant segments of the population of persons of limited English speaking ability.

Subd. 2. [DUTIES.] The advisory task force on bilingual education programs shall be charged with the following duties:

(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for programs and the amounts of grants to approved programs; and

(b) To advise the state board in the administration of its duties under sections 1 to 11 of this act.

Subd. 3. The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in Minnesota Statutes, Section 15.059, Subdivision 6.

Sec. 10. [PILOT PROGRAMS.] Subdivision 1. [GRANTS, PROCEDURES.] For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than five transitional bilingual education programs. At least one pilot bilingual program shall be in a rural area. The board of a local district or a group of boards may submit a proposal for a grant for a transitional bilingual education program. The state board shall prescribe the form and manner of application for grants and no grant shall be made for proposals not complying with the requirements of sections 1 to 11 of this act. Every program proposal shall be submitted to the state board

not less than six months before the planned commencement of the program; provided, however that this six month requirement shall not apply to school districts with an existing bilingual education program established and approved pursuant to section 701 et seq., of Title VII of the Elementary and Secondary Education Act of 1965. The state board shall submit all proposals to the state advisory task force on bilingual education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. [PLANS.] Each school district submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 1 to 11 of this act;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 1 to 11 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 4, subdivision 6;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 1 to 11 of this act.

Subd. 3. [ADDITIONAL REQUIREMENTS.] Each school district receiving a grant under this section shall each year conduct a count of children of limited English speaking ability in the public schools of the district; assess the English and primary language proficiencies of such children; test for achievement; identify the extent of other educational needs of the children to be enrolled in the bilingual education program; and classify the limited English speaking children by grade, level of educational attainment, age, achievement, and English and primary language proficiencies. This count may be part of the school census required pursuant to section 120.095.

Subd. 4. [NONDISCRIMINATION; TESTING.] In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of children of limited English speaking ability shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying children of limited English speaking ability.

Subd. 5. [RECORDS.] Participating school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that bilingual education programs are implemented in conformity with sections 1 to 11 of this act. Each

school district shall keep an accurate, detailed, and separate account of all money received and paid out by it for bilingual education programs funded under this section.

Subd. 6. [FUNDS FROM OTHER SOURCES.] A school district providing bilingual education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

Subd. 7. Nothing in sections 1 to 11 shall be construed as prohibiting a district from implementing a bilingual education program which is not in compliance with sections 1 to 11 of this act if the proposal and plan for that program is not funded pursuant to this section.

Sec. 11. [OTHER STATUTES.] Nothing in the provisions of sections 1 to 11 shall be construed to violate the provisions of Minnesota Statutes, Section 127.08 or Chapter 363. Programs and activities pursuant to sections 1 to 11 shall be deemed to be positive action programs to combat discrimination.

Sec. 12. Minnesota Statutes 1976, Section 120.095, is amended by adding a subdivision to read:

Subd. 6. The school census shall include an enumeration of children of limited English speaking ability residing within the district by primary language, race and national origin. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about students of limited English speaking ability residing in the school district. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 3 of this act.

Sec. 13. Minnesota Statutes 1976, Section 120.10, Subdivision 2, is amended to read:

Subd. 2. [SCHOOL.] A school, to satisfy the requirements of compulsory attendance, must be one in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects ; provided that in a program of instruction for children of limited English speaking ability, instruction and textbooks may be in the primary language of the children of limited English speaking ability enrolled therein . A foreign language may be taught when such language is an elective or a prescribed subject of the curriculum, but not to exceed one hour in each day Any other language may be taught as provided in section 126.07 . As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 3 of this act.

Sec. 14. Minnesota Statutes 1976, Section 126.07, is amended to read:

126.07 [INSTRUCTION, USE OF ENGLISH LANGUAGE.]

The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; and *provided that in the case of a program for children of limited English speaking ability, instructions and books may be in the primary language of the children of limited English speaking ability. As used in this section, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 3 of this act.* In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study. ~~Instruction may be given in such languages in elementary grades, not to exceed one hour in each day, by unanimous vote of the school board.~~

Sec. 15. [APPROPRIATION.] *The sum of \$900,000 is appropriated from the general fund to the state board of education for the purposes of this act to be available until June 30, 1979. Of this amount, \$45,000 shall be available for the year ending June 30, 1978 for the employment of two professional employees and one clerical employee beyond the existing complement of the department of education; \$45,000 shall be available for the year ending June 30, 1979 for the employment of two professional employees and one clerical employee beyond the existing complement of the department; and, \$110,000 shall be available until June 30, 1979 for the payment of other necessary expenses and contracted services incurred in connection with the administration of this act. The sum of \$700,000 shall be available until June 30, 1979 to be expended for grants to pilot bilingual education programs pursuant to sections 1 to 11 of this act."*

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 455: A bill for an act relating to education; establishing pilot bilingual and native American language and culture education programs; granting certain powers and duties to the state board of education; establishing a state bilingual and native American language and culture education advisory council; appropriating money; amending Minnesota Statutes 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; repealing Minnesota Statutes 1976, Section 126.07.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [CITATION.] *Sections 1 to 11 of this act may be cited as the American Indian language and culture education act.*

Sec. 2. [DECLARATION OF POLICY.] *The legislature finds*

that a more adequate education is needed for American Indian pupils in the state of Minnesota. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of this act to provide for the establishment of American Indian language and culture education programs.

Sec. 3. [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 11 of this act, the words, phrases, and terms defined in this section shall have the meanings given to them.*

Subd. 2. "American Indian child" means any child, living on or off a reservation, who is an enrolled member of a federally recognized tribe.

Subd. 3. "Advisory task force" means the state advisory task force on American Indian language and culture education programs.

Subd. 4. "Participating school" means any nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture which is funded by and participates in the programs in sections 1 to 11 of this act.

Sec. 4. [AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.] *Subdivision 1. [PROGRAM DESCRIBED.] American Indian language and culture education programs shall be programs in elementary and secondary schools enrolling American Indian children designed:*

(1) To make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;

(2) To provide positive reinforcement of the self-image of American Indian pupils; and

(3) To develop intercultural awareness among pupils, parents, and staff. Program components may include: instruction in American Indian language, literature, history, and culture; development of support components for staff, including inservice training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and establishment of cooperative liaisons with nonsectarian nonpublic, community, tribal or alternative schools offering curricula which reflect American Indian culture. Districts offering programs may make contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. These programs may also be provided as components of early childhood and family education programs.

Subd. 2. [VOLUNTARY ENROLLMENT.] Enrollment in American Indian language and culture education programs shall be voluntary. School districts and participating schools shall make affirmative efforts to encourage participation. They shall encourage parents to visit classes or come to school for a conference explaining the nature of the program and provide visits by school staff to parents' homes to explain the nature of the program.

Subd. 3. [ENROLLMENT OF OTHER CHILDREN; SHARED TIME ENROLLMENT.] To the extent it is economically feasible, a school district or participating school may make provision for the voluntary enrollment of non American Indian children in the instructional components of an American Indian language and culture education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority shall be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian language and culture education programs.

Subd. 4. [LOCATION OF PROGRAMS.] American Indian language and culture education programs shall be located in facilities in which regular classes in a variety of subjects are offered on a daily basis.

Subd. 5. [ASSIGNMENT OF STUDENTS.] No school district or participating school shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 6. [NONVERBAL COURSES AND EXTRACURRICULAR ACTIVITIES.] In predominantly nonverbal subjects, such as art, music, and physical education, American Indian children shall participate fully and on an equal basis with their contemporaries in school classes provided for these subjects. Every school district or participating school shall ensure to children enrolled in American Indian language and culture education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the American Indian children, or which are otherwise necessary to accomplish the objectives described in sections 1 to 11 of this act.

Sec. 5. [TEACHERS; LICENSES; EXEMPTIONS.] Subdivision 1. [AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION LICENSES.] The board of teaching shall grant teaching licenses in American Indian language and culture education to persons who present satisfactory evidence that they:

(a) Possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture;

(b) Possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other au-

thorized official of a school district or a nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture.

Subd. 2. [PERSONS HOLDING GENERAL TEACHING LICENSES.] *A person holding a general teaching license who presents the board with satisfactory evidence of competence in an American Indian language, or knowledge and understanding of American Indian history and culture may be licensed under this section.*

Subd. 3. [EMPLOYMENT OF TEACHERS.] *Teachers employed in an American Indian language and culture education program pursuant to sections 1 to 11 of this act shall not be employed to replace any presently employed teacher who otherwise would not be replaced.*

Subd. 4. [TEACHER PREPARATION PROGRAMS.] *For the purpose of licensing American Indian language and culture education teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.*

Subd. 5. [PERSONS ELIGIBLE FOR EMPLOYMENT; EXEMPTIONS.] *Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian language and culture education program in which the American Indian language or culture in which he is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board or participating school upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the securing of the teachers.*

Subd. 6. [PERSONS SERVING UNDER EXEMPTIONS; LICENSURE; TENURE.] *An American Indian language and culture education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by an American Indian language and culture education teacher under an exemption shall be credited to the teacher for the purposes of Minnesota Statutes, Section 125.12 and not more than two years shall be credited for the purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.*

Subd. 7. [COMPENSATION.] *A teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.*

Subd. 8. [AFFIRMATIVE EFFORTS IN HIRING.] In hiring for all positions in these programs, school districts and participating schools shall give preference to and make affirmative efforts to seek, recruit, and employ persons who share the culture of the American Indian children who are enrolled in the program. The district or participating school shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

Sec. 6. [TEACHERS AIDES; COMMUNITY COORDINATORS.] In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 1 to 11 of this act may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school which conducts American Indian language and culture education programs pursuant to sections 1 to 11 of this act shall employ one or more full time or part time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote communication understanding, and cooperation between the schools and the community and shall visit the homes of children who are to be enrolled in an American Indian language and culture education program in order to convey information about the program.

Sec. 7. [PARENT AND COMMUNITY PARTICIPATION.] Subdivision 1. School boards and participating schools shall provide for the maximum involvement of parents of children enrolled in American Indian language and culture education programs pursuant to sections 1 to 11 of this act. Accordingly, before implementing a program, each school district and participating school shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of the American Indian language and culture education program and the educational needs of the American Indian children residing within the district's or school's attendance boundaries. The district or participating school shall ensure that the program is planned, operated, and evaluated with the involvement of and in consultation with parents of children eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children eligible to be enrolled in American Indian language and culture programs; secondary students eligible to be served; American Indian language and culture education teachers and aides; counselors; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and that the number of parents of American

Indian and non American Indian children shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district or participating school shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. If the organizational membership or the board of directors of a participating school consists solely of parents of children attending the school whose children are eligible to be enrolled in American Indian language and culture education programs, that membership or board may serve also as the parent advisory committee.

Sec. 8. [STATE BOARD OF EDUCATION DUTIES.] *Subdivision 1. [NEEDS ASSESSMENT.] The state board of education shall conduct a statewide assessment of the need for American Indian language and culture education programs, which shall include information on:*

(a) Numbers, ages, locations by school district, and tribal affiliation of American Indian children;

(b) Concentration of American Indian children in attendance areas within school districts by tribal affiliation;

(c) Placement rates of American Indian children in classes for handicapped pupils, in comparison with schoolwide and district-wide placement rates;

(d) Achievement test scores, mobility rates and dropout rates of American Indian children in comparison with average achievement test scores, mobility rates and dropout rates;

(e) Any other data deemed necessary to assessment of the need for American Indian language and culture education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating to privacy and student records.

Subd. 2. [RESOURCE EVALUATION.] *The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of American Indian children, including information on:*

(a) Numbers, location, and qualifications of teachers, aides, administrators, counselors, and potential post secondary education graduates from American Indian backgrounds who have an interest in working in American Indian language and culture education programs;

(b) Programs within the state designed for the preparation of American Indian language and culture education teachers;

(c) The effectiveness of existing programs for American Indian children within the state;

(d) Successful and innovative preservice and inservice programs

for staffs of American Indian language and culture education programs; and

(e) Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying American Indian children.

Subd. 3. [PROGRAM MODELS.] The state board shall gather information about the theory and practice of American Indian language and culture education and design program models appropriate for meeting the need for American Indian language and culture education in conjunction with the basic educational program in the state.

Subd. 4. [EVALUATION OF PILOT PROGRAMS.] The state board shall provide for comprehensive evaluation of pilot programs funded under sections 1 to 11 of this act. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonsectarian nonpublic, community, tribal, or alternative schools, provided that that school consents to the evaluation of its existing program. The evaluation shall include assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs.

Subd. 5. [COMMUNITY INVOLVEMENT.] The state board shall provide for the maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian language and culture education, in the formulation of policy and procedures relating to the administration of sections 1 to 11 of this act. The needs assessments and resource evaluations provided for in subdivisions 1 and 2 of this section shall be undertaken on Indian reservations only in connection with, or with the permission of, the respective tribal governments.

Subd. 6. [CONSULTATION.] The state board shall consult with and make recommendations to other public departments and agencies in connection with the administration of sections 1 to 11 of this act.

Subd. 7. [TEACHER LICENSURE.] The state board shall provide to the board of teaching a report on its research and experience in American Indian language and culture education insofar as such research may have a bearing on the establishment of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in section 125.185, subdivision 4.

Subd. 8. [TECHNICAL ASSISTANCE.] The state board shall provide technical assistance to school districts, participating schools and post secondary institutions for preservice and inservice training for American Indian language and culture education teachers and teachers' aides, teaching methods, curriculum development,

testing and testing mechanisms, and the development of materials for American Indian language and culture education programs.

Subd. 9. [APPLICATION FOR FUNDS.] The state board shall apply for grants or funds which are, or may become, available under federal programs for American Indian language and culture education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. [REPORT.] The state board shall make a report to the legislature, the governor and the public on or before September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, and recommendations for legislation in the area of American Indian language and culture education.

Subd. 11. [RULES AND REGULATIONS.] The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 1 to 11 of this act.

Sec. 9. [ADVISORY TASK FORCE ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.] *Subdivision 1. [ESTABLISHMENT.] The state board of education shall appoint an advisory task force on American Indian language and culture education programs. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian language and culture education programs, persons involved in programs for American Indian children in nonsectarian nonpublic, community, tribal, or alternative schools, and persons knowledgeable in the field of American Indian language and culture education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.*

Subd. 2. [DUTIES.] The advisory task force on American Indian language and culture education programs shall be charged with the following duties:

(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for pilot programs and the amounts of grants to approved programs; and

(b) To advise the state board in the administration of its duties under sections 1 to 11 of this act.

Subd. 3. The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in Minnesota Statutes, Section 15.059, Subdivision 6.

Sec. 10. [PILOT PROGRAMS.] *Subdivision 1. [GRANTS; PROCEDURES.] For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot*

programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of pilot American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants and no grant shall be made for a proposal not complying with the requirements of sections 1 to 11 of this act. Every program proposal shall be submitted to the state board not less than six months before the planned commencement of the program. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. [PLANS.] Each school district or participating school submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 1 to 11 of this act;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 1 to 11 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 4, subdivision 5;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 1 to 11 of this act.

Subd. 3. [ADDITIONAL REQUIREMENTS.] Each school district receiving a grant under this section shall each year conduct a count of American Indian children in the schools of the district; test for achievement; identify the extent of other educational needs of the children to be enrolled in the American Indian language and culture education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. This count may be part of the school census required pursuant to section 120.095. Participating schools shall maintain records concerning the needs and achievements of American Indian children served.

Subd. 4. [NONDISCRIMINATION; TESTING.] In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of American Indian children shall be selected and administered so as not to be racially or cul-

turally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying American Indian children.

Subd. 5. [RECORDS.] Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 1 to 11 of this act. Each school district or participating school shall keep an accurate, detailed, and separate account of all money received and paid out by it for pilot American Indian language and culture education programs funded under this section.

Subd. 6. [FUNDS FROM OTHER SOURCES.] A school district or participating school providing American Indian language and culture education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

Subd. 7. Nothing in sections 1 to 11 shall be construed as prohibiting a district or school from implementing an American Indian language and culture education program which is not in compliance with sections 1 to 11 of this act if the proposal and plan for that program is not funded pursuant to this section.

Sec. 11. [OTHER STATUTES.] Nothing in the provisions of sections 1 to 11 of this act shall be construed to violate the provisions of Minnesota Statutes, Section 127.08 or Chapter 363. Programs and activities pursuant to sections 1 to 11 of this act shall be deemed to be positive action programs to combat discrimination.

Sec. 12. Minnesota Statutes 1976, Section 120.095, is amended by adding a subdivision to read:

Subd. 7. The school census shall include an enumeration of American Indian children resident within the district. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about American Indian children residing in the school district.

Sec. 13. [APPROPRIATION.] There is appropriated to the state board of education from the general fund for the purposes of this act the sum of \$800,000 for the biennium ending June 30, 1979. Of this amount, \$45,000 shall be available for the year ending June 30, 1978 for the employment of two professional employees and one clerical employee beyond the existing complement of the department of education; \$45,000 shall be available for the year ending June 30, 1979 for the employment of two professional employees and one clerical employee beyond the existing complement of the department; and, \$110,000 shall be available until June 30, 1979 for the payment of other necessary expenses and contracted services incurred in connection with the administration of this act. The sum of \$600,000 shall be expended for grants to pilot American Indian language and culture education programs pursuant to sections 1 to 11 of this act. ”

Further, amend the title by striking it in its entirety and inserting:

“A bill for an act relating to education; establishing pilot American Indian language and culture education programs; granting certain powers and duties to the state board of education; establishing a state American Indian language and culture education advisory task force; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. 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. 125: A bill for an act relating to commerce; prohibiting discriminatory trade practices; providing a penalty; amending Minnesota Statutes 1976, Sections 325.8013; and 325.8018, Subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Commerce shown in the Journal for March 28, 1977, that “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. 645: A bill for an act relating to vital statistics; requiring reporting; establishing registration districts; defining terms; providing penalties; repealing Minnesota Statutes 1976, Sections 144.151 to 144.205; 517.071; 517.08, Subdivisions 2 and 3; and 518.001.

Reports the same back with the recommendation that the report from the Committee on Health, Welfare and Corrections shown in the Journal for March 24, 1977, that “when so amended the bill do pass” be adopted and the bill be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S. F. Nos. 938, 930, 901, 959, 1013, 835, 810, 787, 807, 853, 856 and H. F. Nos. 33 and 562 reports the same back with the recommendation that the bills be re-referred as follows:

S. F. Nos. 810 and 807 and H. F. No. 562 to the Committee on Commerce.

S. F. Nos. 938, 930, 835 and 856 to the Committee on Employment.

S. F. No. 853 to the Committee on Energy and Housing.

S. F. No. 901 to the Committee on Finance.

S. F. No. 787 to the Committee on Governmental Operations.

S. F. No. 959 to the Committee on Health, Welfare and Corrections.

S. F. No. 1013 to the Committee on Judiciary.

H. F. No. 33 to the Committee on Transportation.

Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 450, 430, 667, 20, 530, 109, 393, 555, 238, 466, 817, 705, 157, 381, 769, 569, 246, 640, 417, 733, 620, 23, 816, 695, 388, 562, 208 and H. F. No. 54, makes the following report:

S. F. Nos. 450, 430, 667, 20, 530, 109, 393, 555, 238, 466, 817, 705, 157, 381, 769, 569, 246, 640, 417, 733, 620, 23, 695, 388, 562, 208 and H. F. No. 54 be placed on the General Orders Calendar in the order indicated.

S. F. No. 816 was laid over pending further action.

That there were no other bills before the subcommittee on which floor action was requested.

SECOND READING OF SENATE BILLS

S. F. Nos. 568, 742 and 855 were read the second time.

S. F. Nos. 686, 483, 477, 102, 506, 389, 274, 673, 916, 831, 541, 914, 872, 159, 125, 411, 536, 537 and 1072 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 437, 300 and 334 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Sieloff moved that the name of Mr. Lessard be added as co-author to S. F. No. 558. The motion prevailed.

Mr. Stokowski moved that the name of Mr. Chenoweth be added as co-author to S. F. No. 1064. The motion prevailed.

Mr. Stokowski moved that the name of Mr. Chenoweth be added as co-author to S. F. No. 1065. The motion prevailed.

Mr. Kleinbaum moved that the name of Mr. Bang be added as co-author to S. F. No. 1122. The motion prevailed.

Mr. Olson moved that the report from the Committee on General Legislation and Veterans Affairs, reported March 31, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Olson moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Olson moved that in accordance with the report from the Committee on General Legislation and Veterans Affairs, reported March 31, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

CRIME VICTIMS REPARATIONS BOARD

Dr. William Kosiak, 5512 Elliot Avenue, Minneapolis, Hennepin County, effective May 12, 1976, for a term expiring January 7, 1980.

The motion prevailed. So the appointment was confirmed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 32, No. 22 on the General Orders Calendar, a Special Order to be heard immediately.

S. F. No. 32: A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

Mr. Humphrey moved to amend S. F. No. 32 as follows:

Page 4, line 12, strike "*diseased*" and insert "*disease*"

Page 12, line 16, after "*dated*" insert "*April 15, 1977,*"

Page 12, line 17, after "*by*" insert "*May 1, 1977,*"

The motion prevailed. So the amendment was adopted.

Mr. Olson moved to amend S. F. No. 32 as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.139] [STATE PAID SHADE TREE DISEASE CONTROL CREDIT.] *The county auditor shall reduce the tax on*

all property subject to taxation within the county by an amount equal to the tax levy that would be produced by applying a rate of one mill on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. The commissioner of revenue shall review the certifications to determine their accuracy. He may make changes in the certification as he deems necessary or return a certification to the county auditor for corrections.

Payment shall be made to the county according to the procedure provided in section 273.13, subdivision 15a, for the purpose of replacing revenue lost as a result of the reduction of property taxes provided in this section. There is appropriated from the general fund in the state treasury to the commissioner of revenue the amount necessary to make these payments.

Sec. 2. Minnesota Statutes 1976, Section 276.04, is amended to read:

276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.] On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to taxpayers statements of their personal property taxes due, such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than May 15; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. The statement shall also include the base tax as defined in section 273.011, subdivision 4, for qualified property as defined in section 273.011 for which the credit provided for in section 273.012 is claimed. The statement shall show the amount attributable to section 273.132 as "state paid agricultural credit" and , the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit" , and the amount attributable to section 1 as "state paid shade tree disease control credit" . The commissioner of revenue shall provide each county auditor with the names of those persons in the assessor's district who have filed and qualified for the

property tax credit pursuant to sections 273.011 and 273.012 and shall inform the assessor of the base tax of those persons. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

Sec. 3. [EFFECTIVE DATE.] *This act is effective for taxes levied in 1977, payable in 1978 and thereafter.*"

Amend the title as follows:

Strike lines 2 to 11 and insert:

"relating to taxation; providing for a reduction in property tax to reimburse property owners for costs of shade tree disease control; appropriating money; amending Minnesota Statutes 1976, Section 276.04; and Chapter 276, by adding a section."

Mr. Keefe, S. raised a point of order as to whether the Olson amendment was germane. The President ruled that the amendment was not in order.

Mr. Olson then moved to amend S. F. No. 32, as amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 477A.01, Subdivision 1, is amended to read:

477A.01 [LOCAL GOVERNMENT AID.] Subdivision 1. The state shall distribute ~~\$42~~ \$49 for each person residing in the territory comprising each county for the calendar year ~~1976~~ 1978 and ~~\$45~~ \$53 for calendar year ~~1977~~ 1979 to the several taxing authorities, except school districts, with authority to impose taxes on property located in the county's territory. For the purposes of subdivisions 1, 3, 4, 4a and 4b, the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington shall be considered a single county.

Sec. 2. Minnesota Statutes 1976, Section 477A.01, Subdivision 2, is amended to read:

Subd. 2. Every county government except that of a county containing a city of the first class shall receive *in 1978 and 1979* a distribution equal to the distribution it was entitled to receive in ~~1975~~ 1977 pursuant to Minnesota Statutes ~~1974~~ 1976, Section 477A.01.

Sec. 3. Minnesota Statutes 1976, Section 477A.01, Subdivision 3, is amended to read:

Subd. 3. Each taxing authority in each county, other than the county, the school districts and the cities and towns, shall receive *in 1976 and 1977* 1978 and 1979 a distribution equal to the distribution it was entitled to receive in 1971 pursuant to Minnesota Statutes 1969, Section 273.69.

Sec. 4. Minnesota Statutes 1976, Section 477A.01, Subdivision 4, is amended to read:

Subd. 4. The balance of the distributions in ~~1976~~ 1978 pursuant to subdivision 1, shall be divided among the several cities and towns in the county's territory in the proportion that the product of

the city or town's 1970 federal census population; times

the sum of its average city or town mill rate for the three immediately preceding years divided by three; times

its city or town ~~1974~~ 1976 aggregate sales ratio as determined by the commissioner of revenue bears to the sum of the product of that calculation for all cities and towns in the territory.

The balance of the distributions in ~~1977~~ 1979 pursuant to subdivision 1 shall be divided among the several cities and towns in the county's territory in the proportion that the product of

the city or town's 1970 federal census population; times

the sum of its average city or town mill rate for the three immediately preceding years divided by three; times

its city or town ~~1975~~ 1977 aggregate sales ratio as determined by the commissioner of revenue bears to the sum of the product of that calculation for all cities and towns in the territory.

Sec. 5. Minnesota Statutes 1976, Section 477A.01, Subdivision 4b, is amended to read:

Subd. 4b. The commissioner of revenue shall make all necessary calculations and make payments directly to the affected taxing authorities in four equal parts on March 15, July 15, September 15, and November 15 in ~~1976 and 1977~~ 1978 and 1979.

Sec. 6. [APPROPRIATION.] *A sum sufficient to make the payments required by section 1 is appropriated from the general fund to the commissioner of revenue.*"

Amend the title as follows:

Strike lines 2 to 11 and insert "relating to local government aids; increasing the amounts to be distributed to local units of government; appropriating funds; amending Minnesota Statutes 1976, Section 477A.01, Subdivisions 1, 2, 3, 4, and 4b."

The President ruled that the amendment was not in order.

Mr. Olson then moved to amend S. F. No. 32 as follows:

Page 6, strike lines 8 to 18 and insert:

"sanitation and reforestation shall not exceed 50 percent of its costs. No grant for sanitation and reforestation to any city or special park and recreation board of a city of the first class shall exceed the amount determined by the city's population according

to the 1970 census multiplied by \$6 and no grant for sanitation and reforestation to any county shall exceed the amount determined by the population of the county residing outside the boundaries of all cities according to the 1970 census multiplied by \$6; provided that any municipality may apply to the commissioner for determination that extreme economic hardship compared with the incidence of shade tree disease, which determination if granted would authorize sanitation grants in excess of the above per capita limitation not to exceed the amount appropriated in section 13, clause (b) "

Page 6, line 19, strike " *the sanitation program the previous year* "

Page 13, after line 2, insert:

"(b) For grants for sanitation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a, which the commissioner has determined constitute cases of extreme economic hardship compared to the incidence of shade tree disease *2,000,000 "*

Re-letter the remaining clauses

Page 13, line 18, strike "(c)" and insert "(d)"

Mr. Merriam moved to amend the Olson amendment to S. F. No. 32, as follows:

After "2,000,000" in the Olson amendment insert:

" Any unobligated money appropriated pursuant to clauses (a) and (c) as of December 1, 1977, may be used for the purposes specified in clause (b). "

The motion prevailed. So the amendment to the Olson amendment was adopted.

The question recurred on the Olson amendment, as amended.

The motion did not prevail. So the amendment was not adopted.

Mr. Olson then moved to amend S. F. No. 32 as follows:

Page 6, line 22, after "ordinance" insert "*, but shall include "in kind" services or voluntary work for municipalities with a population of less than 2,000 according to the 1970 census "*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olson	Schrom
Ashbach	Frederick	Laufenburger	Penny	Setzepfandt
Bang	Gunderson	Lessard	Perpich	Sikorski
Benedict	Hanson	Menning	Peterson	Sillers
Bernhagen	Jensen	Merriam	Pillsbury	Solon
Borden	Johnson	Nelson	Purfeerst	Strand
Chmielewski	Keefe, J.	Nichols	Renneke	Ueland, A.
Dunn	Kirchner	Olhoff	Schmitz	Willet

Those who voted in the negative were:

Brataas	Hughes	Luther	Sieloff	Ulland, J.
Chenoweth	Humphrey	McCutcheon	Spear	Vega
Coleman	Keefe, S.	Milton	Staples	
Davies	Kleinbaum	Moe	Stokowski	
Dieterich	Knoll	Ogdahl	Stumpf	
Gearty	Lewis	Schaaf	Tennessee	

The motion prevailed. So the amendment was adopted.

Mr. Nichols moved to amend S. F. No. 32 as follows:

Page 6, line 9, after "*for*" insert "*sanitation and*"

Page 6, line 12, after "*the*" insert "*sanitation and*"

Page 6, line 16, before "*reforestation*" insert "*sanitation and*"

The motion did not prevail. So the amendment was not adopted.

Mr. Olhoft moved to amend S. F. No. 32 as follows:

Page 8, line 1, strike "*as*" and insert "*at*"

The motion prevailed. So the amendment was adopted.

S. F. No. 32 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 57 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Olhoft	Spear
Ashbach	Frederick	Laufenburger	Penny	Staples
Bang	Gearty	Lessard	Perpich	Stokowski
Benedict	Hanson	Lewis	Pillsbury	Stumpf
Borden	Hughes	Luther	Purfeerst	Tennessee
Brataas	Humphrey	McCutcheon	Renneke	Ueland, A.
Chenoweth	Jensen	Menning	Schaaf	Ulland, J.
Chmielewski	Johnson	Merriam	Schmitz	Vega
Coleman	Keefe, J.	Milton	Setzpfandt	Willet
Davies	Keefe, S.	Moe	Sieloff	
Dieterich	Kirchner	Nelson	Sikorski	
Dunn	Kleinbaum	Ogdahl	Solon	

Those who voted in the negative were:

Bernhagen	Knutson	Olson	Schrom	Strand
Gunderson	Nichols	Peterson	Sillers	

So the bill, as amended, passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate revert to the Order of Business of Reports of Committees. The motion prevailed.

Mr. Coleman from the Committee on Rules and Administration to which were referred

H. F. Nos. 418, 82 and 231 for comparison to 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.
82	189			418	476
231	145				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 418 be amended as follows:

Page 1, line 21, strike "private" and insert "licensed"

Page 1, line 22, strike "and is"

Page 2, strike lines 1 to 4, except the period

Page 3, delete lines 7 and 8 and insert

"Sec. 2. *This act is effective the day following final enactment.*"

Further, amend the title

Line 3, delete "day care"

And when so amended, H. F. No. 418 will be identical to S. F. No. 476 and further recommends that H. F. No. 418 be given its second reading and substituted for S. F. No. 476 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 231 be amended as follows:

Amend the title

Line 2, delete "particular uses of" and insert "; permitting advertising on bus shelters and trash receptacles on"

And when so amended, H. F. No. 231 will be identical to S. F. No. 145 and further recommends that H. F. No. 231 be given its second reading and substituted for S. F. No. 145 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 82 be amended as follows:

Delete page 1, line 18 to page 3, line 23

Page 4, after line 9, insert

"Sec. 2. Minnesota Statutes 1976, Section 609.52, Subdivision 3 is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the value of the property or services is more than \$100 \$300 but not more than \$2,500; or

(3) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, notwithstanding the value of the property or services is not more than \$100 \$300 , if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services is \$100 \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, provided, however, in any prosecution under clause (1), clause (2), clause (3) (a) and (c), and clause (4) of subdivision 2 the value of the money or property received by the defendant in violation of any one or more of the above provisions within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 3. Minnesota Statutes 1976, Section 609.53, Subdivision 1, is amended to read:

609.53 [RECEIVING STOLEN GOODS.] Subdivision 1. Any person who receives, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery, may be sentenced as follows:

(1) If the value of the property received, bought or concealed is \$100 \$300 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both;

(2) If the value of the property received, bought or concealed is less than \$100 \$300 , to punishment as a misdemeanor."

Page 7, delete lines 6 to 21

Page 7, line 22, delete "[EFFECTIVE DATE.]"

Renumber the sections in sequence

Further, amend the title

Line 5, delete "increasing"

Delete lines 6 to 9

Line 10, delete "injuries;"

Line 11, delete everything after "Sections"

Delete line 12, and insert "609.27,"

Line 13, after "2;" insert "609.52, Subdivision 3; 609.53, Subdivision 1;"

Delete line 15, and insert "Subdivision 1; and 609.615."

And when so amended, H. F. No. 82 will be identical to S. F. No. 189 and further recommends that H. F. No. 82 be given its second reading and substituted for S. F. No. 189 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.

Mr. Coleman moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate revert to the Order of Business of Second Reading of House Bills. The motion prevailed.

SECOND READING OF HOUSE BILLS

H. F. Nos. 82, 231 and 418 were read the second time.

RECESS

Mr. Coleman moved that the Senate do now recess until 3:45 o'clock p.m. The motion prevailed.

The hour of 3:45 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:

Ashbach	Frederick	Laufenburger	Olhoft	Sieloff
Bang	Gearty	Lessard	Olson	Solon
Benedict	Gunderson	Lewis	Penny	Spear
Bernhagen	Hanson	McCutcheon	Perpich	Stokowski
Borden	Hughes	Menning	Peterson	Strand
Brataas	Humphrey	Merriam	Pillsbury	Stumpf
Chenoweth	Jensen	Milton	Purfeerst	Ueland, A.
Coleman	Keefe, S.	Moe	Renneke	Ulland, J.
Dieterich	Kirchner	Nelson	Schmitz	Vega
Dunn	Kleinbaum	Nichols	Schrom	Wegener
Engler	Knoll	Ogdahl	Setzepfandt	Willet

The Sergeant at Arms was instructed to bring in the absent members.

RECESS

Mr. Coleman moved that the Senate do now recess until after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appointed time.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 8:00 o'clock p.m., Wednesday, April 6, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FIRST DAY

St. Paul, Minnesota, Wednesday, April 6, 1977

The Senate met at 8:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Ashbach	Frederick	Laufenburger	Perpich	Staples
Bang	Gerty	Lewis	Pillsbury	Stokowski
Benedict	Gunderson	McCutcheon	Purfeerst	Strand
Bernhagen	Hanson	Menning	Renneke	Stumpf
Borden	Hughes	Merriam	Schmitz	Tennessee
Brataas	Humphrey	Milton	Schrom	Vega
Chenoweth	Johnson	Nelson	Setzepfandt	Wegener
Coleman	Keefe, S.	Nichols	Sieloff	Willet
Dieterich	Kirchner	Ogdahl	Sikorski	
Dunn	Kleinbaum	Olhoft	Sillers	
Engler	Knoll	Penny	Spear	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Joan Johnson.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Lessard	Perpich	Staples
Ashbach	Gerty	Lewis	Peterson	Stokowski
Bang	Gunderson	Luther	Pillsbury	Strand
Benedict	Hanson	McCutcheon	Purfeerst	Stumpf
Bernhagen	Hughes	Menning	Renneke	Tennessee
Borden	Humphrey	Merriam	Schaaf	Ueland, A.
Brataas	Johnson	Milton	Schmitz	Ulland, J.
Chenoweth	Keefe, J.	Moe	Schrom	Vega
Chmielewski	Keefe, S.	Nelson	Setzepfandt	Wegener
Coleman	Kirchner	Nichols	Sieloff	Willet
Davies	Kleinbaum	Ogdahl	Sikorski	
Dieterich	Knoll	Olhoft	Sillers	
Dunn	Knutson	Olson	Solon	
Engler	Laufenburger	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.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS
CERTIFICATION**

April 4, 1977

To The Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Monday, April 4, 1977, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified from the first Monday of February, 1977:

Charles F. McGuiggan, At Large, six years

Wenda Moore, At Large, six years

Michael Unger (student or recent graduate), At Large, six years

Mary Schertler, 4th Congressional District, two years

David M. Lebedoff, 5th Congressional District, six years

(Signed) Edward J. Gearty
President of the Senate

(Signed) Martin Olav Sabo
Speaker of the House
of Representatives

April 6, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 11, 76, 201, 267, and 377.

Sincerely,
Rudy Perpich, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Solon introduced—

S. F. No. 1126: A bill for an act relating to the port authority of Duluth; expanding the membership of the port authority to nine commissioners.

Referred to the Committee on Local Government.

Messrs. Wegener, Chmielewski and Engler introduced—

S. F. No. 1127: A bill for an act relating to political subdivisions; authorizing assignments to secure payment of certain loans; amending Minnesota Statutes 1976, Section 465.73.

Referred to the Committee on Local Government.

Messrs. Spear; Knoll; Dieterich; Keefe, S. and Milton introduced—

S. F. No. 1128: A bill for an act relating to tenants and landlords; establishing grounds and procedures for the recovery of possession of certain residential premises; amending Minnesota Statutes 1976, Sections 487.24, Subdivision 3; 488.19; 488A.11, Subdivision 3; 488A.28, Subdivision 3; 504.06; 504.07; 566.03; 566.05; 566.09; and Chapters 504, by adding a section; and 566, by adding a section.

Referred to the Committee on Judiciary.

Mr. Schaaf introduced—

S. F. No. 1129: A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Sections 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Borden, Laufenburger and Mrs. Brataas introduced—

S. F. No. 1130: A bill for an act relating to commerce; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1976, Sections 118.005; 118.01; 118.09; 118.11; and 118.16; repealing Minnesota Statutes 1976, Section 118.17.

Referred to the Committee on Commerce.

Messrs. Knoll; Keefe, S.; Kirchner; Gearty and Lewis introduced—

S. F. No. 1131: A bill for an act relating to metropolitan airports; authorizing reimbursement to commission members; clarifying its organization and authority; granting emergency authority to expend funds; amending Minnesota Statutes 1976, Sections 473.605, Subdivisions 1 and 2; 473.606, Subdivisions 1 and 4; 473.608, Subdivisions 1, 15 and 17; 473.611, Subdivision 5; 473.621, Subdivisions 2 and 4; 473.641, Subdivision 2; 473.652; repealing Minnesota Statutes 1976, Sections 473.611, Subdivisions 1, 2, 3 and 4; and 473.621, Subdivision 1.

Referred to the Committee on Transportation.

Mr. Dunn, Mrs. Brataas, Messrs. Chmielewski, Peterson and Wegener introduced—

S. F. No. 1132: A bill for an act relating to taxation; extending certain additional tax levy authority to counties; amending Minnesota Statutes 1976, Section 275.48.

Referred to the Committee on Local Government.

Messrs. Luther, Willet, Dunn, Olson and Benedict introduced—

S. F. No. 1133: A bill for an act relating to environmental protection; prohibiting the storage of certain radioactive wastes in Minnesota; providing a penalty.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ueland, A. introduced—

S. F. No. 1134: A bill for an act relating to cities; exempting transit systems owned by the cities of Mankato and North Mankato from gasoline and special fuels tax.

Referred to the Committee on Taxes and Tax Laws.

Mr. Schaaf introduced—

S. F. No. 1135: A bill for an act relating to motor vehicle carriers; requiring insurance or bond before the issuance of a certificate or permit to a motor carrier; providing for suspension and revocation of certificate or permit for failure to maintain insurance or other security; amending Minnesota Statutes 1976, Section 221.141, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Schaaf and Borden introduced—

S. F. No. 1136: A bill for an act relating to peace officer training; transferring the Minnesota peace officer training board from the office of the attorney general to the department of public safety; providing for board approval of peace officer training courses and schools; authorizing the board to recommend rules to the commissioner of public safety; amending Minnesota Statutes 1976, Sections 626.841; and 626.851, Subdivision 2; repealing Minnesota Statutes 1976, Sections 626.842; 626.843; 626.844; and 626.845.

Referred to the Committee on Governmental Operations.

Messrs. Borden, Solon, Gearty, Gunderson and Kirchner introduced—

S. F. No. 1137: A bill for an act relating to chiropractic; further

defining the practice of chiropractic; amending Minnesota Statutes 1976, Sections 148.01, Subdivision 3; and 148.08, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davies, Strand and Keefe, J. introduced—

S. F. No. 1138: A bill for an act relating to probate; changing requirements for collection of personalty by affidavit; amending Minnesota Statutes 1976, Section 524.3-1201.

Referred to the Committee on Judiciary.

Messrs. Ogdahl, Coleman, Renneke, Stokowski and Ashbach introduced—

S. F. No. 1139: A bill for an act relating to retirement; legislators survivor benefits; amending Minnesota Statutes 1976, Section 3A.04, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Schrom, Wegener, Chmielewski, Bernhagen and Olson introduced—

S. F. No. 1140: A bill for an act relating to agriculture; food licensing; defining a custom processor and providing for a custom processing permit; amending Minnesota Statutes 1976, Sections 28A.03; 28A.04; and 28A.13.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst, Kleinbaum, Setzepfandt and Bernhagen introduced—

S. F. No. 1141: A bill for an act relating to labor relations; allowing area vocational-technical institute teachers to become an appropriate bargaining unit; amending Minnesota Statutes 1976, Section 179.63, Subdivision 17.

Referred to the Committee on Employment.

Mrs. Brataas, Messrs. Merriam, Peterson, Schaaf and Stokowski introduced—

S. F. No. 1142: A bill for an act relating to taxation; specifying certain annuities exempt from the inheritance tax; amending Minnesota Statutes 1976, Sections 291.065; 352B.071; and 352C.07.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Brataas, Messrs. Merriam, Peterson, Schaaf and Stokowski introduced—

S. F. No. 1143: A bill for an act relating to taxation; exempting certain public pension plan and peace officers benefit fund payments from inheritance taxes; amending Minnesota Statutes 1976, Chapter 291, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Laufenburger, Gunderson, Engler, Mrs. Brataas and Mr. Anderson introduced—

S. F. No. 1144: A bill for an act relating to natural resources; creating an advisory council on land purchases and condemnations in a certain region in the state; providing an appropriation.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther; Nichols; Keefe, S. and Spear introduced—

S. F. No. 1145: A bill for an act relating to education; school district employees; removing school principals and assistant principals from the classification of essential employees; amending Minnesota Statutes 1976, Sections 179.63, Subdivision 11; and 179.65, Subdivision 6.

Referred to the Committee on Employment.

Messrs. Keefe, J.; Sikorski and Schaaf introduced—

S. F. No. 1146: A bill for an act relating to financial corporations; requiring that loans secured by mortgages on real property may be assumed; amending Minnesota Statutes 1976, Section 47.20, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Keefe, J.; Mrs. Brataas and Mr. Schaaf introduced—

S. F. No. 1147: A bill for an act relating to financial corporations; requiring interest on escrow accounts; amending Minnesota Statutes 1976, Section 47.20, Subdivision 8.

Referred to the Committee on Commerce.

Mrs. Brataas, Messrs. Solon, Davies, Tennessen and Perpich introduced—

S. F. No. 1148: A bill for an act relating to group health care plans; requiring published or written notice to employees before certain employee health care plans may be terminated; amending Minnesota Statutes 1976, Sections 62C.02, Subdivision 1; and 62D.02, Subdivision 1; and Chapters 62A, 62C and 62D, by adding sections.

Referred to the Committee on Commerce.

Messrs. Merriam, Hughes, Dunn, Humphrey and Anderson introduced—

S. F. No. 1149: A bill for an act relating to retirement; contributions and service credit for certain part time teachers; amending Minnesota Statutes 1976, Chapters 354 and 354A, by adding sections.

Referred to the Committee on Governmental Operations.

Messrs. Keefe, S.; Schaaf; Stokowski and Johnson introduced—

S. F. No. 1150: A bill for an act relating to elections; regulating identification and providing assistance for absentee voters; appropriating money; amending Minnesota Statutes 1976, Section 207.03; and Chapter 207, by adding a section.

Referred to the Committee on Elections.

Messrs. Keefe, S.; Schaaf; Stokowski; Pillsbury and Johnson introduced—

S. F. No. 1151: A bill for an act relating to elections; providing for training and testing election judges; requiring regular changes among election judge personnel; appropriating money; amending Minnesota Statutes 1976, Section 204A.17, Subdivisions 2 and 3.

Referred to the Committee on Elections.

Messrs. Keefe, S.; Luther; Schaaf and Sikorski introduced—

S. F. No. 1152: A bill for an act relating to ethics; limiting the future employment of former public officials; providing a penalty; repealing Minnesota Statutes 1976, Section 271.18.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, Hanson, Merriam, McCutcheon and Ogdahl introduced—

S. F. No. 1153: A bill for an act relating to licensed occupations; providing for licensing and regulation of tax preparers by the commissioner of revenue; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

Referred to the Committee on Commerce.

Messrs. Peterson, Kleinbaum, Sillers, Hanson and Moe introduced—

S. F. No. 1154: A bill for an act relating to commerce; prohibiting certain deceptive advertisements for farm implements; providing a penalty; amending Minnesota Statutes 1976, Chapter 325, by adding a section.

Referred to the Committee on Commerce.

Messrs. Dunn, Kirchner, Bernhagen, Mrs. Brataas and Mr. Renneke introduced—

S. F. No. 1155: A bill for an act relating to elections; providing limits on campaign expenditures; amending Minnesota Statutes 1976, Section 10A.27, Subdivisions 1 and 2.

Referred to the Committee on Elections.

Messrs. Strand, Nichols, Peterson, Willet and Engler introduced—

S. F. No. 1156: A bill for an act relating to agriculture; transferring certain functions relating to county agricultural societies from the state auditor and the commissioner of finance to the commissioner of agriculture; providing for the reimbursement of expenses of the commissioner of agriculture incurred in examining the records and accounts of county agricultural societies and certain other agricultural related societies or associations; amending Minnesota Statutes 1976, Sections 17.07; 38.02, Subdivisions 1, 2 and 3; 38.04; and 38.13.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Strand, Olhoft, Benedict and Nichols introduced—

S. F. No. 1157: A bill for an act relating to energy; appropriating funds for the dissemination of energy related information to the public.

Referred to the Committee on Energy and Housing.

Messrs. Penny, Johnson and Laufenburger introduced—

S. F. No. 1158: A bill for an act relating to taxation; exempting insulation and residential heating fuels from sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Penny, Setzepfandt, Wegener and Laufenburger introduced—

S. F. No. 1159: A bill for an act relating to taxation; authorizing noncontiguous land classified for agricultural uses to be granted homestead status for taxation purposes; amending Minnesota Statutes 1976, Section 273.13, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Mr. Penny introduced—

S. F. No. 1160: A bill for an act relating to retirement; permissi-

ble annual earnings of a retired public employee; amending Minnesota Statutes 1976, Section 353.37.

Referred to the Committee on Governmental Operations.

Mr. Stumpf introduced—

S. F. No. 1161: A bill for an act relating to public employees; permitting certain employees to strike; amending Minnesota Statutes 1976, Section 179.64, Subdivision 7.

Referred to the Committee on Employment.

Mr. Stumpf introduced—

S. F. No. 1162: A bill for an act relating to public welfare; public assistance programs; allowing social security benefit increases to pass through to recipient; amending Minnesota Statutes 1976, Chapter 256, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mrs. Staples, Messrs. Benedict, Hughes, Mrs. Brataas and Mr. Sikorski introduced—

S. F. No. 1163: A bill for an act relating to crimes; requiring the commissioner of corrections to conduct research to assess the extent and nature of juvenile prostitution and to develop a program for the prevention and treatment of prostitution; reports to legislature; pilot projects.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Frederick and Mrs. Brataas introduced—

S. F. No. 1164: A bill for an act relating to Olmsted county; permitting sidewalk and related improvements to be financed by special assessment.

Referred to the Committee on Local Government.

Messrs. Willet, Dunn, Wegener, Anderson and Hanson introduced—

S. F. No. 1165: A bill for an act relating to natural resources; state parks; requiring compatible uses of private lands within state parks; providing the commissioner of natural resources with authority to enforce compatible use standards; providing for the acquisition of private land within parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olhoff, Wegener, Olson, Willet and Renneke introduced—

S. F. No. 1166: A bill for an act relating to administrative procedures; providing for water resource and conservation hearings to be held in accordance with the administrative procedure act; amending Minnesota Statutes 1976, Sections 105.44, Subdivisions 3, 5, 6, 7 and 8; 105.45; 105.461; and 105.78; repealing Minnesota Statutes 1976, Section 105.47.

Referred to the Committee on Governmental Operations.

Mr. Knutson introduced—

S. F. No. 1167: A bill for an act relating to human services; creating the office of ombudsman for human services; creating a human services coordinating board; changing certain terminology; providing an appropriation; amending Minnesota Statutes 1976, Chapter 402, by adding sections.

Referred to the Committee on Employment.

Mr. Knutson introduced—

S. F. No. 1168: A bill for an act relating to education; authorizing school boards to appoint a student advisory member.

Referred to the Committee on Education.

Messrs. Knutson; Bang; Keefe, J. and Mrs. Brataas introduced—

S. F. No. 1169: A bill for an act relating to energy conservation; exempting certain decorative gas lamps from mandatory shut-off requirements; amending Minnesota Statutes 1976, Section 116H.12, Subdivision 3a.

Referred to the Committee on Energy and Housing.

Messrs. Kleinbaum, Borden, Solon, Sikorski and Bang introduced—

S. F. No. 1170: A bill for an act relating to cable communications; prohibiting landlord obstruction of the installation of cable television services; prohibiting applications by landlords for payment; amending Minnesota Statutes 1976, Chapter 238, by adding a section.

Referred to the Committee on Commerce.

Messrs. Pillsbury, Milton, Moe, Dunn and Kleinbaum introduced—

S. F. No. 1171: A bill for an act relating to the organization and operation of state government; creating the institute for analyses

of public choices; requiring the identification and analysis of trends affecting the state; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Borden introduced—

S. F. No. 1172: A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for hearing examiners, subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

Referred to the Committee on Governmental Operations.

Messrs. Borden, Hughes, Schaaf, Kleinbaum and Dunn introduced—

S. F. No. 1173: A bill for an act relating to public radio; providing for grants to noncommercial public stations; authorizing planning and implementation funds for statewide public radio programming; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Ueland, A. introduced—

S. F. No. 1174: A bill for an act relating to the city of Mankato; authorizing residential property rehabilitation loans and grants and authorizing the issuance of bonds for acquisition and betterment of a municipal fire hall and city hall.

Referred to the Committee on Local Government.

Messrs. Davies and Strand introduced—

S. F. No. 1175: A bill for an act relating to taxation; exempting probate deeds of distribution from conveyance recording requirements; amending Minnesota Statutes 1976, Section 272.12.

Referred to the Committee on Judiciary.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 74 and 86.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 4, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 193, 521, 681, 691, 1006, 146, 337, 465 and 563.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 4, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 193: A bill for an act relating to the military; financing of armory construction; amending Minnesota Statutes 1976, Sections 193.143; 193.145, Subdivision 2; and 193.146, Subdivision 1; repealing Minnesota Statutes 1976, Section 193.1431.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 521: A bill for an act relating to Independent School District No. 196 (Rosemount) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 196 and annexed to Independent School District No. 194.

Referred to the Committee on Rules and Administration.

H. F. No. 681: A bill for an act relating to commerce; providing for state procurement from small business; providing a bonding mechanism for small business; amending Minnesota Statutes 1976, Sections 16.082, by adding a subdivision; and 16.083, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 555, now on General Orders.

H. F. No. 691: A bill for an act relating to state lands; directing the exchange of certain public lands bordering on public waters in Lincoln county.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 1006: A bill for an act relating to agriculture; transferring certain functions relating to county agricultural societies from the state auditor and the commissioner of finance to the commissioner of agriculture; providing for the reimbursement of expenses of the commissioner of agriculture incurred in examining the records and accounts of county agricultural societies and certain other agricultural related societies or associations; amending Minnesota Statutes 1976, Sections 17.07; 38.02, Subdivisions 1, 2 and 3; 38.04; and 38.13.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 146: A bill for an act relating to cities of the first class; establishing procedures for refunds of certain special assessments; amending Minnesota Statutes 1976, Section 430.07.

Referred to the Committee on Local Government.

H. F. No. 337: A bill for an act relating to public utilities; customers service option on electric service in certain instances; amending Minnesota Statutes 1976, Section 216B.40; and Chapter 216B, by adding a section.

Referred to the Committee on Commerce.

H. F. No. 465: A bill for an act relating to redevelopment; providing for membership on regional development commissions; amending Minnesota Statutes 1976, Section 462.388, Subdivision 1.

Referred to the Committee on Local Government.

H. F. No. 563: A bill for an act relating to Independent School District No. 721 (New Prague) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 721 and annexed to Independent School District No. 194.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the report on S. F. Nos. 442 and 176, be now adopted. The motion prevailed.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 181: A bill for an act relating to retirement; election of trustees to the public employees retirement association board of trustees; amending Minnesota Statutes 1976, Section 353.03, Subdivision 1; repealing Minnesota Statutes 1976, Section 353.03, Subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 352.03, Subdivision 1, is amended to read:

352.03 [BOARD OF DIRECTORS, COMPOSITION, EXECUTIVE DIRECTOR; DUTIES, POWERS.] Subdivision 1. [MEMBERSHIP OF BOARD; ELECTION; TERM.] The policy making function of the system is hereby vested in a board of ~~seven~~ *eight* members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of three members appointed by the governor, one of whom shall be

a constitutional officer or appointed state official and two public members knowledgeable in pension matters, and four state employees who shall be elected by state employees covered by the system and one retired employee who shall be elected by retired employees at a time and in a manner to be fixed by the board. Two board members, whose terms of office shall begin on the first Monday in March next succeeding their election, shall be elected biennially. The term of the two board members whose terms expire in 1968 shall terminate on the first Monday in March, 1968, and the terms of the two board members whose terms expire in 1970 shall terminate on the first Monday in March, 1970. *The elected retired board member shall serve a term commencing January 1, 1978 and terminating on the first Monday in March, 1980. Thereafter* the members of the board so elected shall hold office for a term of four years, *except the retired member whose term shall be two years*, and until their successors are elected, and have qualified. A state employee on leave of absence shall not be eligible for election or re-election to membership on the board of directors; and the term of any board member who is on leave for more than six months shall automatically terminate upon the expiration of such period.

Sec. 2. Minnesota Statutes 1976, Section 352.03, Subdivision 2, is amended to read:

Subd. 2. [VACANCY, HOW FILLED.] Any vacancy of a state employee or retired employee in the board caused by death, resignation, or removal of any member so elected shall be filled by the board for the unexpired portion of the term in which the vacancy occurs.

Sec. 3. Minnesota Statutes 1976, Section 352.03, is amended by adding a subdivision to read:

Subd. 4a. The board may consider, review and make recommendations regarding the financial and other needs of retired employees and may disseminate appropriate retirement information to the retired employee.

Sec. 4. Minnesota Statutes 1976, Section 353.03, Subdivision 1, is amended to read:

353.03 [BOARD OF TRUSTEES.] Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is hereby vested in a board of trustees consisting of 14 15 members, who shall be known as the board of trustees. This board shall consist of three trustees, one of whom shall be designated by each of the following associations, Minnesota school boards association, League of Minnesota Municipalities Cities, and Association of Minnesota Counties; nine area trustees, who shall be elected from the membership employed in one of the areas described below by the members of the retirement association employed in such area except members of the police and fire fund; one trustee who shall be a retired annuitant elected at large by other annuitants; and one trustee who is a member of the police and fire fund elected at large by the membership of the police and fire fund. *The remaining trustee*

shall be elected prior to January 1 by the governing bodies of employee organizations, as defined in section 179.63, subdivision 5, representing association employees; provided that in making the selection each employee organization shall have one vote for each association employee it represents. The respective governing bodies shall implement and administer a system for the selection of this member in the filling of vacancies and any dispute in the selection process shall be resolved by the secretary of state. Elected trustees shall hold office for a term of four years. For seven days beginning December 1 of each year, except 1974 and every fourth year thereafter, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. The An area candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund from the area of the candidate, a retired annuitant candidate, a nominating petition signed by 25 or more such annuitants, and a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No nominee may withdraw his name from nomination after December 15. Candidates shall file at large for all seats vacant at the forthcoming election. By January 10 of each year in which elections are to be held the board shall distribute by mail to the members and annuitants ballots listing the candidates, the number of positions to be filled and blank lines for write in votes. No member may vote for more than one candidate but a blank line shall be provided for a write-in vote. A ballot indicating a vote for more than one person shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. Except as provided in this section, all terms expire on January 31 of the fourth year, and the position shall remain vacant until the newly elected member is qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the nine area trustees, the state shall be divided into three areas as follows: Area one shall include Anoka, Hennepin, Ramsey and Washington counties. Area two shall include Big Stone, Swift, Kandiyohi, Meeker and Wright counties and all counties south thereof, except counties in area one. Area three shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. Each year for three years one area trustee shall be elected to a four-year term from each area by the members employed in the respective areas. In the fourth year one trustee shall be elected at large by the police and fire fund membership and one trustee elected at large by the annuitants.

Notwithstanding the foregoing, however, in order to provide for a transition to regional elections, in the year 1978 only, a retired trustee shall be elected by the annuitants, and three trustees shall be elected from each of the three areas by the members of the area (who may vote for only one candidate). The annuitant candidate receiving the most votes shall serve a three-year term, the candidate in each area receiving the largest number of votes

shall serve a four-year term, the candidate in each area receiving the second largest number of votes shall serve a two-year term and the candidate in each area receiving the third largest number of votes shall serve a one-year term. The elections shall be supervised by the secretary of state. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries.

Sec. 5. Minnesota Statutes 1976, Section 354.05, is amended by adding a subdivision to read:

Subd. 36. [RETIREE OF FUND.] "Retiree of fund" means any former member who has retired as provided in this chapter.

Sec. 6. Minnesota Statutes 1976, Section 354.06, Subdivision 1, is amended to read:

354.06 [BOARD OF TRUSTEES; MEMBERSHIP; DUTIES.]
Subdivision 1. The management of the fund shall be vested in a board of ~~seven~~ *eight* trustees to be known as the board of trustees of the teachers retirement fund. It shall be composed of the following persons: the commissioner of education, the commissioner of finance, the commissioner of insurance, and four members of the fund who shall be elected by ~~mail ballot for terms of four years~~ *by the members of the fund in a manner to be fixed by the board of trustees of the fund and one retiree who shall be elected by the retirees of the fund. The five elected members of the board of trustees shall be chosen by mail ballot in a manner to be fixed by the board of trustees of the fund.* In every odd numbered year there shall be elected two members of *the fund* to the board of trustees for terms of four years commencing on the first of July next succeeding their election. *Commencing in 1977 and every two years thereafter there shall be elected one retiree of the fund to the board of trustees for a term of two years commencing on the first of July next succeeding his election except that the first term served by a retiree shall be for a period of 20 months commencing on November 1, 1977.* Each election shall be completed by June ~~1st~~ *first* of each succeeding odd numbered year *except that the first election of a retiree shall be completed by October 1, 1977.* In the case of elective members, vacancies shall be filled by appointment by the remainder of the board, the appointee to serve until the members *or retirees* of the fund at the next regular election have elected a trustee to serve for the unexpired term caused by such vacancy. No member *or retiree* shall be appointed by the board, or elected by the members of the fund as a trustee who is not a member *or retiree* of the fund in good standing at the time of such appointment or election. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of

Minnesota which created the fund, the taxpayers which aid in financing it and the teachers who are its beneficiaries.

Sec. 7. Minnesota Statutes 1976, Section 422A.02, is amended to read:

422A.02 [RETIREMENT BOARD; MEMBERS.] A retirement board of five *seven* members is hereby constituted which shall consist of the following:

- (1) Mayor;
- (2) The city comptroller or corresponding official;
- (3) ~~The Chairman of the ways and means committee of the city council or corresponding member of the chief governing body of the city~~ *One member of the city council selected by the council*; and
- (4) ~~Two~~ *Four* legally qualified voters of the city, residents thereof for the preceding five years, to be chosen by the employees as defined in sections 422A.01 to 422A.25 who are contributors to the retirement fund created by sections 422A.01 to 422A.25. The employees may form an association for that purpose and the employing authorities are authorized to make payroll deductions for the payment of dues to said association. The persons selected shall serve for staggered terms of two years from the first of the next succeeding January after their election, and until their successors are duly elected. Such selection shall be made by the employees during the first week of December of each year. Vacancies occurring by death, resignation, or removal of such representatives shall be filled by representatives chosen by the employees.

Sec. 8. *The two additional members authorized by section 7, clause (4) shall be chosen on the effective date of this act in the manner prescribed for the filling of vacancies on the board, with one designated to serve until January 1, 1978 and one until January 1, 1979. Thereafter the additional members shall be selected for regular two year terms in the manner provided in section 1.*

Sec. 9. Minnesota Statutes 1976, Section 422A.03, Subdivision 1, is amended to read:

422A.03 [MEETINGS; EMPLOYEES; RULES AND REGULATIONS.] Subdivision 1. The retirement board shall meet on the ~~second~~ *third* Tuesday of each calendar month of each year and may adjourn from time to time. Special meetings may be held upon the call of the president. The board shall, by a four-fifths vote of all members of the board, appoint an executive secretary, who shall have charge of the performance of the duties required by the provisions of sections 422A.01 to 422A.25, and shall appoint other necessary clerical help. If at the time of his appointment as executive secretary the appointee holds a position subject to the civil service rules and regulations of the city he shall be deemed to be on leave of absence from such civil service position during his tenure as executive secretary, and

upon termination of such service shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classified position, seniority shall prevail, and the person most recently certified to such position shall be returned to the permanent civil service classification held by him prior to such certification.

Sec. 10. [REPEAL.] *Minnesota Statutes 1976, Section 353.03, Subdivision 2a, is repealed.*"

Further, amend the title as follows:

Page 1, line 2, strike "election of trustees to" and insert "increasing the size of the boards of trustees of"

Page 1, lines 3 and 4, strike "board of trustees" and insert "Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes;"

Page 1, line 5, strike "Section" and insert "Sections 352.03, Subdivisions 1, 2, and by adding a subdivision;"

Page 1, line 5, after "Subdivision 1;" insert "354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 177: A bill for an act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain labor service employees of the metropolitan waste control commission; amending Minnesota Statutes 1976, Sections 352.01, Subdivision 2B; 473.141, Subdivision 12; and 473.511, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 12, strike "Labor service employees" and insert "Tradesmen"

Page 5, line 13, strike "on a regular basis"

Page 5, line 15, strike "who were either"

Page 5, line 16, strike "1976" and insert "1977" and strike the balance of the line

Page 5, strike the new language on lines 17, 18 and 19

Page 6, line 4, strike the new language and insert "Tradesmen employed by the metropolitan waste control commission with trade union pension coverage pursuant to a collective bargaining agreement who elected exclusion from coverage pursuant to section 4

of this act or who are first employed after July 1, 1977 shall not be covered by the Minnesota state retirement system."

Page 6, strike lines 5, 6, 7 and 8

Page 6, line 9, strike the new language

Page 7, line 4, strike the new language and insert "*Tradesmen employed by the metropolitan waste control commission with trade union pension coverage pursuant to a collective bargaining agreement who elected exclusion from coverage pursuant to section 4 of this act or who are first employed after July 1, 1977 shall not be covered by the Minnesota state retirement system.*"

Page 7, strike lines 5, 6, 7 and 8

Page 7, line 9, strike the new language

Page 8, line 6, strike "*labor service employee*" and insert "*tradesman*"

Page 8, line 8, strike "*regular*" and insert "*permanent*"

Page 8, line 10, strike "*pension*"

Page 8, line 11, strike "*labor service employee*" and insert "*tradesman*"

Page 8, line 12, strike "*1976*" and insert "*1977*"

Page 8, line 12, strike "*labor service*" and insert "*tradesman*"

Page 8, line 13, strike "*employee*"

Page 8, line 13, strike "*1976*" and insert "*1977*"

Page 8, line 14, strike "*pension*"

Page 8, line 18, strike "*labor service employee*" and insert "*tradesman*"

Page 8, line 24, after "*time*" strike "*irrevocable*"

Page 8, line 24, after "*election*" insert "*irrevocable while employed in such capacity*"

Page 8, line 27, strike "*pension*"

Page 8, line 28, strike "*under*" and insert "*as provided in*"

Page 8, line 29, strike "*labor service employee*" and insert "*tradesman*"

Page 8, line 30, after "*the*" and before "*employer*" strike "*accumulated*"

Page 8, line 31, after "*contributions*" insert "*made pursuant to Minnesota Statutes 1976, Section 352.04, Subdivision 3, on behalf of the tradesman*"

Page 8, line 31, strike "*five*" and insert "*three and one-half*"

Page 9, line 3, after "*The*" and before "*refund*" insert "*application for the*"

Page 9, line 3, strike "*shall*" and insert "*may*"

Page 9, line 4, after the period, insert "*No repayment of a refund made under this section shall be permitted.*"

Amend the title as follows:

Page 1, line 4, strike "labor service employees" and insert "tradesmen"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 442: A bill for an act relating to county planning and zoning; providing for enforcement of certain subdivision regulations by providing for approval of conveyancing instruments by a county planning and zoning officer prior to recording; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after "*that*" insert "*a copy of some or*"

Page 1, line 20, after "*submitted*" insert "*by the county recorder*"

Page 1, line 20, strike "*county planning and*"

Page 1, strike line 21

Page 1, line 22, strike "*board*" and insert "*administrative officer as provided in section 394.29*"

Page 1, line 22, strike "*approval prior to*" and insert "*review after*"

Page 1, line 23, strike "*that*" and insert "*whether*"

Page 2, line 2, strike "*After the effective date of an*"

Page 2, strike lines 3 to 6, and insert "*If the conveyance does not comply with regulations, the administrative officer shall give notice of the violation to the parties to the conveyance, and shall file a certificate of noncompliance against the property with the county recorder.*"

Amend the title as follows:

Page 1, line 4, strike "approval" and insert "review"

Page 1, lines 5 and 6, strike "a county planning and zoning officer prior to" and insert "an administrative officer after"

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1017: A bill for an act relating to the town of Bass Brook; authorizing the town board to exercise the powers described in Minnesota Statutes, Section 368.01 and Chapters 412, 429, 474 and 475.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Reported adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 621: A bill for an act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; prohibiting brokerage sales of new motor vehicles by motor vehicle brokers; preempting local bonding requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 1, 4, 5, 8, 13, 16, 22, 24 and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 25, strike "*appropriate*" and insert "*appropriate*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 19: A bill for an act relating to public utilities; regulating telephone company rates; amending Minnesota Statutes 1976, Chapter 237, by adding a section; repealing Minnesota Statutes 1976, Section 237.08.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike "*public utility*" and insert "*telephone company*"

Page 1, line 13, strike "30" and insert "60"

Page 2, line 2, strike "*commission*" and insert "*department*"

Page 2, line 12, strike "*utility*" and insert "*telephone company*"

Page 2, line 19, strike "*nine*" and insert "*ten*"

Page 2, line 21, strike "*nine*" and insert "*ten*"

Page 2, line 26, strike "*public utility*" and insert "*telephone company*"

Page 3, line 8, strike "*public utility*" and insert "*telephone company*"

Page 3, line 19, strike "*public utility*" and insert "*telephone company*"

Page 3, line 26, strike "*public*" and insert "*telephone company*"

Page 3, line 27, strike "*utility*"

Page 3, line 31, strike "utility" and insert "telephone company"

Page 3, line 32, strike "utility" and insert "telephone company"

Page 4, line 3, strike "public utility" and insert "telephone company"

Page 4, line 7, strike "public utilities" and insert "telephone companies"

Page 4, line 9, strike "public utility" and insert "telephone company"

Page 4, line 11, strike "utility"

Page 4, line 15, strike "utility" and insert "telephone company"

Page 4, line 18, strike "public utility" and insert "telephone company"

Page 4, line 25, strike "public utility" and insert "telephone company"

Page 4, after line 26, insert:

"Subd. 7. The commission shall not make an allowance for operating expenses incurred by a telephone company for institutional advertising.

Subd. 8. The commission shall scrutinize all charitable contributions made by a telephone company and allow as operating expenses only 50 percent of those contributions which the commission deems prudent and which qualify under Minnesota Statutes, Section 290.21, Subdivision 3, Clause (b)."

Page 4, after line 28, insert:

"Sec. 3. This act shall be effective the day following final enactment."

Amend the title:

Page 1, line 2, strike "public utilities" and insert "telephone companies"

Page 1, line 3, after the semicolon insert "permitting rates under bond; regulating allowance of advertising expenses and charitable contributions as operating expenses;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 499: A bill for an act relating to the operation of state government; providing for a study on improving public access to state services and facilities; requiring a report.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 3, insert:

"Sec. 2. [LICENSING CENTER.] As part of this study, the commissioner shall specifically evaluate the feasibility of a one-stop licensing center, located in the Twin City area away from the capitol complex. The licensing center would permit a person to obtain at one location at least the following licenses:

- (a) Passenger car and truck licenses;
- (b) Drivers' licenses;
- (c) Boat, snowmobile and trailer licenses;
- (d) Fishing, hunting, ricing and trapping licenses;
- (e) Recreational vehicle licenses;
- (f) Bicycle registration and licenses;
- (g) Motorcycle licenses; and
- (h) Mobile home licenses.

In making his evaluation of the licensing center, the commissioner shall consult with and be assisted by commissioners of affected departments."

Page 2, line 5, strike "section 1" and insert "sections 1 and 2"

Renumber sections accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 176: A bill for an act allowing money in the state treasury not currently needed to be invested in the local government pooled investment fund; establishing and setting forth procedures for a state investment pool for local government funds; amending Minnesota Statutes 1976, Section 11.10, Subdivision 1; and Chapter 11, by adding sections.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 31, insert:

"Subd. 8. "Treasurer" means the state treasurer."

Page 4, line 11, strike "commissioner" and insert "treasurer"

Page 4, line 24, strike "commissioner's" and insert "treasurer's"

Page 5, line 26, strike "January 1, 1979" and insert "November 15, 1978"

Page 5, line 30, strike "January 1, 1981" and insert "November 15, 1980"

Page 6, line 3, strike "for the purposes of sections 2 to 4." and insert "necessary for the receipt and disbursement of moneys deposited in the fund and the apportionment of administrative costs. In order that the fund may be implemented as soon as practicable

after the effective date of this act, the commissioner may adopt emergency rules on all matters over which he has rule-making authority. Prior to the adoption of any rules the commissioner shall publish notice pursuant to section 15.0412, subdivision 6. The commissioner may appoint an advisory task force pursuant to section 15.059 composed of local government officers and representatives of financial institutions to advise him in the preparation of rules."

Page 6, line 4, strike "July 1, 1977" and insert "*the day following final enactment*"

And when so amended the bill do pass. Mr. Ogdahl questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Chenoweth from the Committee on Governmental Operations, to which was re-referred

S. F. No. 759: A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice telecommunications network; establishing the Minnesota justice information systems advisory council, providing for its membership and prescribing its powers and duties; amending Minnesota Statutes 1976, Sections 299C.45; 299C.46; 299C.48; and Chapter 299C, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 299C.46, is amended to read:

299C.46 [ESTABLISHMENT, USE.] *Subdivision 1. The superintendent of the bureau of criminal apprehension commissioner of public safety shall establish a teletypewriter communications criminal justice telecommunications network which will inter-connect the sheriff's offices of enable the inter-connection of the criminal justice agencies within the state into a unified written communications criminal justice information system. The superintendent of the bureau of criminal apprehension commissioner of public safety is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications the telecommunications network.*

Subd. 2. For the purposes of sections 299C.46 to 299C.48 and section 3, "criminal justice agency" shall mean an agency of the state or an agency of a political subdivision charged with detection, enforcement, prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this state.

~~(1) Subd. 3. The communications telecommunications network shall be used exclusively for the official business of the state.~~

~~(2) This section does not prohibit the occasional use of the state's communications network by any other state or public~~

agency thereof when the messages transmitted relate to the criminal justice agencies of the state in connection with enforcement of the criminal laws of the state.

(3) The superintendent of the bureau of criminal apprehension shall fix the commissioner of public safety, after consultation with representatives of participating criminal justice agencies, may establish a monthly operational charge to be paid by each county; provided, that in computing charges to be made against each county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the sheriff's offices of the state participating criminal justice agency in the event that money available to the commissioner for this purpose is not adequate to pay these costs.

(4) The superintendent of the bureau of criminal apprehension commissioner of public safety is authorized to arrange for the connection of the communications telecommunications network with the law enforcement communications criminal justice information system of the federal government, any adjacent state, or Canada.

Subd. 4. The commissioner shall administer the telecommunications network and shall coordinate matters relating to its use by other state agencies and political subdivisions. He shall perform all duties in respect to criminal justice information systems matters now performed by the commissioner of finance and the governor's commission on crime prevention and control. He shall receive the assistance of the commissioner of administration on matters involving the department of administration and its information systems division. Other state department or agency heads shall assist the commissioner where necessary in the performance of his duties under this section.

Sec. 2. Minnesota Statutes 1976, Section 299C.48, is amended to read:

299C.48 [CONNECTIONS BY MUNICIPALITIES.] Any city or other public criminal justice agency may connect with and participate in the teletypewriter communications criminal justice telecommunications network upon approval of the superintendent of the bureau of criminal apprehension commissioner of public safety; provided, that such city or other public the agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the superintendent of the bureau of criminal apprehension commissioner of public safety. Before participation by a criminal justice agency may be approved, the agency must have executed an agreement with the commissioner providing for security of network facilities and restrictions on access to data supplied to and received through the network.

Sec. 3. Minnesota Statutes 1976, Chapter 299C, is amended by adding a section to read:

[299C.49] [GRANT REVIEW.] *The commissioner of public safety, after consultation with representatives of criminal justice*

agencies, shall review all grant requests for federal and state funds from the governor's commission on crime prevention and control for information systems and recommend action to the commission.

Sec. 4. [APPROPRIATION.] *There is appropriated to the commissioner of finance the sum of \$..... from the general fund for the biennium ending June 30, 1979, for the purposes of this act.*

Sec. 5. [REPEALER.] *Minnesota Statutes 1976, Section 299C.45 is repealed.*

Sec. 6. [EFFECTIVE DATE.] *This act is effective July 1, 1977."*

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice telecommunications network; appropriating money; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 617: A bill for an act relating to the university of Minnesota; conferring university of Minnesota peace officers with limited powers of arrest; governing the operation and parking of vehicles upon property owned, leased or occupied by the regents of the university of Minnesota; amending Minnesota Statutes 1976, Section 137.12; 169.123, Subdivision 1; 169.965, Subdivision 1; 626.05, Subdivision 2; 626A.01, Subdivision 7; and Chapter 626, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, restore the stricken language

Page 2, line 2, strike "*owned, leased or occupied by the*"

Page 2, line 3, strike "*university*"

Page 2, line 32, strike "*169.123, Subdivision 1, and*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 709: A bill for an act relating to the Hennepin county municipal court; clarifying fee exclusions for governmental units; amending Minnesota Statutes 1976, Section 488A.03, Subdivision 11a.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 718: A bill for an act relating to courts; jurors; ballots for selection; authorizing an alternative method of identification of jurors; amending Minnesota Statutes 1976, Section 593.07.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 719: A bill for an act relating to courts; repealing the law that requires court clerks to make costs and disbursements reports to the county attorney in criminal cases; repealing Minnesota Statutes 1976, Section 485.09.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 720: A bill for an act relating to fees; repealing the filing fee in certain juvenile court proceedings; repealing Minnesota Statutes 1976, Section 260.106, Subdivisions 1 and 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary to which was re-referred

S. F. No. 721: A bill for an act relating to veterinarians; license filing fee; amending Minnesota Statutes 1976, Section 156.09.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 722: A bill for an act relating to courts; providing that petit jurors in probate court be selected in the same manner as petit jurors are selected in district court; amending Minnesota Statutes 1976, Section 525.013, by adding a subdivision; repealing Minnesota Statutes 1976, Section 525.013, Subdivisions 2 and 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 860: A bill for an act relating to courts; county court districts; judges; prescribing the areas where the county court judges of St. Louis county shall reside, serve in, and be elected from; amending Minnesota Statutes 1976, Section 487.01, Subdivision 5.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 191: A bill for an act relating to adoption; authorizing release of birth information to adopted persons; requiring waiting period for objections from parents; amending Minnesota Statutes 1976, Sections 144.151, by adding a subdivision; 144.176, Subdivision 1, and by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 144.151, is amended by adding subdivisions to read:

Subd. 8. “State registrar” means the state registrar of vital statistics.

Subd. 9. “Consent to disclosure” means an affidavit filed with the state registrar which sets forth the following information:

- (a) the current name and address of the affiant;*
- (b) any previous name by which the affiant was known;*
- (c) the original and adopted names, if known, of the adopted child whose original birth certificate is to be disclosed;*
- (d) the place and date of birth of the adopted child;*
- (e) the biological relationship of the affiant to the adopted child; and*
- (f) the affiant’s consent to disclosure of the original unaltered birth certificate of the adopted child.*

Sec. 2. Minnesota Statutes 1976, Section 144.175, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE IN CASE OF ILLEGITIMACY.] Except as provided in this section and , section 144.176 and section 3 , disclosure of illegitimacy of birth or of information from which it can be ascertained may be made, or a certified copy of the birth certificate issued, only to the guardian of such person, the person to whom the record pertains when such person is 18 years of age or over, or upon order of a court of competent jurisdiction in a case where such information is necessary for the determination of personal or property rights and then only for such purpose. The birth and death records of the state board of health shall be opened to inspection by the commissioner of

public welfare, and it shall not be necessary for him to obtain an order of the court in order to inspect records of illegitimate children or to secure certified copies thereof.

Sec. 3. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.1761] [ACCESS TO ADOPTION RECORDS.] *Subdivision 1. [REQUEST.] An adopted person who is 21 years of age or over may request the state registrar to disclose the information on the adopted person's original birth certificate. The state registrar shall, within five days of receipt of the request, notify the commissioner of public welfare in writing of the request by the adopted person.*

Subd. 2. [SEARCH.] Within six months after receiving notice of the request of the adopted person, the commissioner of public welfare shall make reasonable efforts to notify each parent identified on the original birth certificate of the adopted person. The commissioner may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subdivision. Every licensed child placing agency in the state shall cooperate with the commissioner of public welfare in his efforts to notify an identified parent. All communications under this subdivision are confidential pursuant to section 15.162, subdivision 2a.

For purposes of this subdivision, "notify" means (1) a personal and confidential contact with a parent named on the original birth certificate of the adopted person by an employee or agent of the licensed child placing agency which processed the adoption or of a licensed child placing agency designated for this purpose by the commissioner of public welfare; and (2) the receipt by a parent named on the original birth certificate of the adopted person of a written notice setting forth:

(a) the nature of the information requested by the adopted person;

(b) the date of the request of the adopted person;

(c) the right of the parent to file, within 120 days of receipt of the notice, an affidavit with the state registrar stating that the information on the original birth certificate shall not be disclosed;

(d) the right of the parent to file a consent to disclosure with the state registrar at any time; and

(e) the effect of a failure of the parent to file either a consent to disclosure or an affidavit stating that the information on the original birth certificate shall not be disclosed.

The written notice may be delivered to the parent during or after the personal contact with the agent or employee of the licensed child placing agency.

Subd. 3. [FAILURE TO NOTIFY PARENT.] If the commissioner of public welfare certifies to the state registrar that he has been unable to notify a parent identified on the original birth

certificate within six months, and if neither identified parent has at any time filed an unrevoked affidavit with the state registrar stating that the information on the original birth certificate shall not be disclosed, the information may be disclosed as follows:

(a) If the person was adopted prior to June 1, 1977, he may petition the court of original jurisdiction of the adoption proceeding for disclosure of his original birth certificate pursuant to section 259.31, and the court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

(b) If the person was adopted on or after June 1, 1977, the state registrar shall release the requested information to the adopted person.

If either parent identified on the birth certificate has at any time filed with the state registrar an unrevoked affidavit stating that the information on the original birth certificate should not be disclosed, the state registrar shall not disclose the information to the adopted person until the affidavit is revoked by the filing of a consent to disclosure by that parent or by the death of that parent.

Subd. 4. [RELEASE OF INFORMATION AFTER NOTICE.] *If, within six months, the commissioner of public welfare certifies to the state registrar that he has notified each parent identified on the original birth certificate pursuant to subdivision 2, the state registrar shall disclose the information requested by the adopted person 121 days after the date of the latest written notice to either parent, unless:*

(a) at any time prior to the date of the request of the adopted person, either of the parents identified on the original birth certificate has filed an affidavit with the state registrar stating that the information shall not be disclosed, and the affidavit has not been revoked by the subsequent filing by that parent of a consent to disclosure or by the death of that parent; or

(b) either parent identified on the original birth certificate who has received notice pursuant to subdivision 2 has filed, within 120 days after receipt of the written notice, an affidavit with the state registrar stating that the information shall not be disclosed.

Subd. 5. [DEATH OF PARENT.] *The death of a parent named on the original birth certificate of an adopted person shall revoke any affidavit previously filed by that parent stating that the information on the original birth certificate shall not be disclosed.*

Sec. 4. Minnesota Statutes 1976, Section 260.241, is amended by adding a subdivision to read:

Subd. 4. *Upon entry of an order terminating the parental rights of any person who is identified as a parent on the original birth certificate of the child as to whom the parental rights are terminated, the court shall cause written notice to be made to that person setting forth:*

(a) *the right of the person to file at any time with the state registrar of vital statistics a consent to disclosure, as defined in section 144.151, subdivision 9;*

(b) *the right of the person to file at any time with the state registrar of vital statistics an affidavit stating that the information on the original birth certificate shall not be disclosed as provided in section 3;*

(c) *the effect of a failure to file either a consent to disclosure, as defined in section 144.151, subdivision 9, or an affidavit stating that the information on the original birth certificate shall not be disclosed.*

Sec. 5. *This act is effective June 1, 1977."*

Amend the title as follows:

Page 1, line 6, strike "a subdivision; 144.176, Subdivision 1, and" and insert "subdivisions; 144.175, Subdivision 2; 260.241, by adding a subdivision; and Chapter 144, by adding a section."

Page 1, strike line 7

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 543: A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 443: A bill for an act relating to highways; providing for the removal of trees, shrubs and other obstructions within highway limits; amending Minnesota Statutes 1976, Sections 160.22, Subdivision 8; and 160.27, Subdivision 6; repealing Minnesota Statutes 1976, Section 160.22, Subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "*If the*" and insert "*Upon written notice of a*"

Page 1, line 15, strike "*is*"

Page 1, line 17, strike "*with the cutting*" and insert "*to cut*"

Page 1, line 17, strike everything after "*and*"

Page 1, line 18, strike everything before the period and insert "*remove the same*"

Page 1, line 18, strike "thereof ,"

Page 1, line 19, after "removed" strike the underlined comma

Page 2, lines 4 to 16, strike all of Section 2 and insert:

"Sec. 2. Minnesota Statutes 1976, Section 160.22, is amended by adding a subdivision to read:

Subd. 10. [EXCEPTION; TOWN ROADS.] Trees, hedges and other shrubs or plants within the limits of any town road and not acquired by the town as provided in subdivision 3, may be cut and removed without regard to the provisions of subdivisions 5 and 6 when they interfere with the maintenance or reconstruction of the road or with the safety and convenience of the public; provided that the town gives written notice to the abutting owner of its intention to cut and remove 14 days before taking such action and the abutting owner does not request a hearing during that period. The notice shall plainly advise the abutting owner of his right to a hearing. If the abutting owner requests a hearing within the time required the town shall proceed in accordance with subdivisions 5 and 6, and this subdivision shall not apply. The timber and wood cut pursuant to this subdivision shall be disposed of in accordance with subdivision 8."

Amend the title as follows:

Page 1, line 2, after "providing" insert "a simplified procedure"

Page 1, line 3, after "within" insert "the"

Page 1, line 4, strike "highway"

Page 1, line 4, after "limits" insert "of town roads; removing provision for an appeal by abutting owners;"

Page 1, line 5, strike "Sections" and insert "Section"

Page 1, line 5, after "8" insert ", and by adding a subdivision"

Page 1, line 5, strike "and 160.27,"

Page 1, line 6, strike "Subdivision 6;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which was referred

H. F. No. 705 for comparison to its companion Senate File, reports the following House File was found identical and recommends the House File be given its Second Reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
705			817		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted

by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 682: A bill for an act relating to Anoka county; creating a housing and redevelopment authority; applying the provisions of the municipal housing and redevelopment act to Anoka county; providing for local approval of projects.

Reports the same back with the recommendation that the report from the Committee on Local Government shown in the Journal for March 31, 1977, that the bill "do pass" be 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. 1: A bill for an act relating to solid waste pollution; requiring beverage containers to have certain refund values after a certain date; providing penalties.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources shown in the Journal for March 24, 1977, that "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 for proper reference under Rule 35:

S. F. No. 1037 reports the same back with the recommendation that the bill be re-referred as follows:

S. F. No. 1037 to the Committee on Local Government. Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos.: 816, 612, 395, 410, 241, 737, 348, 681, 483, 774, 649 and H. F. No. 114, makes the following report:

S. F. No. 483 be placed at the head of the General Orders Calendar.

S. F. Nos. 816, 612, 395, 410, 241, 737, 348, 681, 774, 649 and H. F. No. 114 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1017, 709, 718, 719, 720, 721, 722 and 860 were read the second time.

S. F. Nos. 181, 177, 19, 499, 617, 191, 543, 443, 682 and 1 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. 705 was read the second time.

H. F. No. 621 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Messrs. Dunn and Moe introduced—

Senate Concurrent Resolution No. 8: A senate concurrent resolution providing for interim study of state and federal regional structures.

Referred to the Committee on Rules and Administration.

Mr. McCutcheon moved that H. F. No. 586 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 705 now on General Orders. The motion prevailed.

Mr. Solon moved that H. F. No. 166 be withdrawn from the Subcommittee on Bill Scheduling and re-referred to the Committee on Rules and Administration for comparison to S. F. No. 733 now on General Orders. The motion prevailed.

Mr. Renneke moved that the name of Mr. Lessard be added as co-author to S. F. No. 1101. The motion prevailed.

Mr. Willet moved that S. F. No. 87 be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Lewis moved that S. F. No. 507 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Governmental Operations. The motion prevailed.

Mr. Wegener moved that H. F. No. 661 be withdrawn from the Committee on Transportation and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 568 now on the Consent Calendar. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar. The motion prevailed.

THIRD READING OF HOUSE BILLS

H. F. No. 418: A bill for an act relating to public welfare; exempting licensed hospitals from licensing requirements; amending Minnesota Statutes 1976, Section 245.791.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Luther	Pillsbury	Stokowski
Ashbach	Gunderson	McCutcheon	Purfeerst	Strand
Bang	Hanson	Menning	Renneke	Stumpf
Benedict	Hughes	Merriam	Schaaf	Tennessen
Bernhagen	Humphrey	Milton	Schmitz	Ueland, A.
Borden	Johnson	Nelson	Schrom	Ulland, J.
Brataas	Kirchner	Nichols	Setzepfandt	Vega
Chmielewski	Kleinbaum	Ogdahl	Sieloff	Wegener
Coleman	Knoll	Olhoft	Sikorski	Willet
Dieterich	Knutson	Olson	Sillers	
Dunn	Laufenburger	Penny	Solon	
Engler	Lessard	Perpich	Spear	
Frederick	Lewis	Peterson	Staples	

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S. F. No. 587: A bill for an act relating to courts; criminal defendants; providing authority to county courts to order examination of a defendant's mental capacity; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 30.

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:

Ashbach	Gunderson	Lewis	Peterson	Staples
Bang	Hanson	Luther	Pillsbury	Stokowski
Benedict	Hughes	McCutcheon	Purfeerst	Strand
Bernhagen	Humphrey	Menning	Renneke	Stumpf
Brataas	Johnson	Merriam	Schaaf	Tennessen
Chenoweth	Keefe, J.	Moe	Schmitz	Ueland, A.
Chmielewski	Keefe, S.	Nelson	Schrom	Ulland, J.
Coleman	Kirchner	Nichols	Setzepfandt	Vega
Dieterich	Kleinbaum	Ogdahl	Sieloff	Wegener
Dunn	Knoll	Olhoft	Sikorski	Willet
Engler	Knutson	Olson	Sillers	
Frederick	Laufenburger	Penny	Solon	
Gearty	Lessard	Perpich	Spear	

So the bill passed and its title was agreed to.

S. F. No. 813: A bill for an act relating to the county of Carlton; authorization of certain payments to the city of Cloquet.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Penny	Solon
Ashbach	Gunderson	Lewis	Perpich	Spear
Bang	Hanson	Luther	Peterson	Staples
Benedict	Hughes	McCutcheon	Pillsbury	Stokowski
Bernhagen	Humphrey	Menning	Purfeerst	Strand
Brataas	Johnson	Merriam	Renneke	Stumpf
Chenoweth	Keefe, J.	Milton	Schaaf	Tennessee
Chmielewski	Keefe, S.	Moe	Schmitz	Ueland, A.
Coleman	Kirchner	Nelson	Schrom	Ulland, J.
Dieterich	Kleinbaum	Nichols	Setzepfandt	Vega
Dunn	Knoll	Ogdahl	Sieloff	Wegener
Engler	Knutson	Olhoft	Sikorski	Willet
Frederick	Laufenburger	Olson	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 812: A bill for an act relating to St Louis county; revising the composition of the county welfare board; amending Laws 1907, Chapter 222, Section 1, Subdivisions 1, 2 and 3, as amended; and Minnesota Statutes 1976, Section 393.01, Subdivision 5.

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	Laufenburger	Olson	Spear
Ashbach	Gearty	Lessard	Penny	Staples
Bang	Gunderson	Lewis	Peterson	Strand
Benedict	Hanson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	McCutcheon	Purfeerst	Tennessee
Borden	Humphrey	Menning	Renneke	Ueland, A.
Brataas	Johnson	Merriam	Schaaf	Ulland, J.
Chenoweth	Keefe, J.	Milton	Schmitz	Vega
Chmielewski	Keefe, S.	Moe	Schrom	Wegener
Coleman	Kirchner	Nelson	Setzepfandt	Willet
Dieterich	Kleinbaum	Nichols	Sieloff	
Dunn	Knoll	Ogdahl	Sikorski	
Engler	Knutson	Olhoft	Solon	

Mr. Perpich voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 684: A bill for an act relating to Anoka county; creating an accrual accounting system; providing for purchase and payments for goods and services.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penny	Solon
Ashbach	Gearty	Lewis	Perpich	Spear
Bang	Gunderson	Luther	Peterson	Staples
Benedict	Hanson	McCutcheon	Pillsbury	Stokowski
Bernhagen	Hughes	Menning	Purfeerst	Strand
Borden	Humphrey	Merriam	Renneke	Stumpf
Brataas	Johnson	Milton	Schaaf	Tennessee
Chenoweth	Keefe, J.	Moe	Schmitz	Ueland, A.
Chmielewski	Keefe, S.	Nelson	Schrom	Ulland, J.
Coleman	Kirchner	Nichols	Setzepfandt	Vega
Dieterich	Kleinbaum	Ogdahl	Sieloff	Wegener
Dunn	Knoll	Olhoft	Sikorski	Willet
Engler	Knutson	Olson	Sillers	

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 257, 335, 108, 292 and H. F. Nos. 262 and 301 which the committee recommends to pass.

H. F. No. 57, which the committee recommends to pass with the following amendments offered by Messrs. Wegener and Menning:

Mr. Wegener moved to amend H. F. No. 57, as amended pursuant to Rule 49, adopted by the Senate March 31, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 146.)

Page 2, line 29, strike "*which is*" and insert "*while*"

Page 5, line 22, strike "*, physician or*"

Page 5, line 23, strike "*registered nurse*"

Page 5, line 29, strike the comma

Page 5, line 30, strike "*physician or registered nurse*"

Page 6, line 7, after the period, insert "*An ambulance service may substitute a physician, osteopath or registered nurse for the attendant in an ambulance.*"

Mr. Menning moved to amend H. F. No. 57, as amended pursuant to Rule 49, adopted by the Senate March 31, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 146.)

Page 7, after line 8, insert:

"Sec. 7. No fee set by the state board of health for biennial renewal of an emergency medical technician's certificate by a member of a volunteer ambulance service or volunteer fire department shall exceed \$2."

S. F. No. 465, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Page 2, line 16, after "any" insert "*highway marked by the commissioner as an*"

Page 2, line 17, after "*highway*" insert "*pursuant to Title 23 of the United States Code*"

S. F. No. 223, which the committee recommends to pass with the following amendment offered by Mr. Bang:

Page 4, after line 10, insert

"Sec. 6. [EFFECTIVE DATE.] Section 4 is effective for taxable years beginning after December 31, 1976."

H. F. No. 168, which the committee recommends to pass subject to the following motion:

Mr. Strand moved that the amendment made to H. F. No. 168 by the Committee on Rules and Administration in the report adopted March 28, 1977, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 235, which the committee recommends to pass with the following amendments offered by Messrs. Merriam and Tennesen:

Mr. Merriam moved to amend the amendment placed on H. F. No. 235 by the Committee on Agriculture and Natural Resources, adopted by the Senate March 14, 1977, as follows:

Section 21A.09, Subdivision 1, lines 5 and 6, strike "*after consultation*" and reinstate "*advice and consent of the*"

Strike section 6

Re-number the sections in sequence

Amend the title by striking "*21A.11,*"

Mr. Tennesen moved to amend the amendment placed on H. F. No. 235 by the Committee on Agriculture and Natural Resources, adopted by the Senate March 14, 1977, as follows:

Section 21A.09, Subdivision 2, strike all of clause (b) and reletter clause (c) as (b)

H. F. No. 82, which the committee recommends to pass with the following amendments offered by Mr. Nichols:

Amend H. F. No. 82, as amended pursuant to Rule 49, adopted by the Senate April 4, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 189.)

Pages 1 and 2, strike section 1

Pages 3 and 4, strike section 3

Pages 4 and 5, strike section 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, strike "law" and insert "certain laws"

Page 1, lines 6 and 7, strike "609.27, Subdivision 2;"

Page 1, lines 7 and 8, strike "609.53, Subdivision 1;"

Page 1, lines 8 and 9, strike "609.563, Subdivision 1;"

S. F. No. 213, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 2, line 8, after the period insert "Upon referral of any violation to"

Page 2, line 9, after "attorney" insert ", he"

Page 2, line 9, strike "inquire into any violation as provided" and insert "proceed"

Page 2, line 9, after "in" insert "accordance with"

Page 2, line 10, after the period insert "A violation of the ordinance which constitutes a gross misdemeanor shall be tried in the district court for the fourth judicial district."

S. F. No. 217, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Mr. Willet moved to amend S. F. 217 as follows:

Page 1, line 16, after "development" insert "*, is a resident of the state, and will sustain himself in agriculture, other than the growing of trees, in the county where the land is situated,*"

Page 1, line 21, after the period insert "*No veteran may purchase land under the provisions of sections 282.031 to 282.037 on more than one occasion.*"

Page 2, line 3, strike "Such" and insert "The"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "limiting the right to purchase;"

Mr. Chmielewski requested division of the amendment as follows:

First portion:

Page 1, line 16, after "development" insert "*is a resident of the state, and will sustain himself in agriculture, other than the growing of trees, in the county where the land is situated,*"

Page 2, line 3, strike "Such" and insert "The"

Second portion:

Page 1, line 21, after the period insert "*No veteran may purchase land under the provisions of sections 282.031 to 282.037 on more than one occasion.*"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "limiting the right to purchase;"

The question was taken on the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the second portion of the amendment. The motion prevailed. So the second portion of the amendment was adopted.

S. F. No. 270, which the committee recommends to pass with the following amendment offered by Mr. Laufenburger:

Page 1, after line 15, insert

"Section 1. Minnesota Statutes 1976, Section 168.013, Subdivision 1c, is amended to read:

Subd. 1c. [FARM TRUCKS.] On farm trucks, the tax shall be based on total gross weight and shall be 30 percent of the Minnesota base rate prescribed by subdivision 1e under Schedule I during each of the first six years of vehicle life, but in no event less than \$19, and during the seventh and succeeding years of vehicle life as taken from Schedule II, but in no event less than \$11. In addition to such gross weight tax imposed on a truck-tractor or truck used as a truck-tractor, each semitrailer shall be taxed ~~an annual flat~~ a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects."

Page 3, line 1, strike "80,000" and insert "81,000"

Page 3, line 3, strike "80,000" and insert "81,000"

Page 7, line 8, strike "80,000" and insert "81,000"

Page 8, line 10, strike "6" and insert "7"

Page 10, line 14, strike "6" and insert "7"

Page 13, line 27, strike "have" and insert "be operated upon the streets and highways of this state with"

Page 14, line 2, strike the semicolon and insert a comma

Page 14, line 16, strike “, *provided*” and insert “*if*”

Page 14, line 18, after “*provided*” strike the comma

Page 18, line 25, after “*section*” insert “. *Any designation of a route pursuant to this subdivision, other than a trunk highway route, is*”

Page 18, line 25, strike “*any*” and insert “*the*”

Page 20, line 11, strike “6” and insert “7”

Page 20, line 16, strike “6” and insert “7”

Page 21, line 10, strike “*this chapter*” and insert “*section 169.83 or section 7, whichever applies*”

Page 21, line 10, strike “*shall*” and insert “*may*”

Page 21, line 12, after “(a)” insert “*on routes subject to the provisions of section 169.83,*”

Page 21, line 14, after “*more*” restore the stricken comma and strike the underlined semicolon

Page 21, line 14, strike “(b)”

Page 21, line 19, strike everything after “*or*”

Page 21, line 20, strike everything before “*the*” and insert “(b) *on routes subject to the provisions of section 7,*”

Page 21, line 23, strike “6” and insert “7”

Page 21, line 23, strike “, *subdivision 2, on any interstate*”

Page 21, line 24, strike “*highway*”

Page 21, line 24, strike “(d)” and insert “(c)”

Page 22, line 15, strike “6” and insert “7”

Page 22, line 26, strike “6” and insert “7”

Page 22, line 27, after “*contrary*” insert “*but subject to all other provisions of that subdivision*”

Page 2, line 29, strike “6” and insert “7”

Page 23, line 2, strike “3” and insert “4”

Page 23, line 5, strike “*section 1*” and insert “*sections 1 and 2*”

Page 23, line 11, strike “6” and insert “7”

Page 23, line 12, strike “7” and insert “8”

Page 23, line 12, strike “10” and insert “11”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after “Subdivisions” insert “1c,”

S. F. No. 141, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 1, line 17, after "or" insert "*detecting*"

Page 1, line 20, strike "*containing*"

Page 1, strike lines 21 and 22

Page 1, line 23, strike "*shall be*" and insert "*while in possession of a radar detection device is*"

Page 1, line 24, after "*misdemeanor*" insert "*unless the device is not operable and it is located outside the passenger compartment.*"

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, April 7, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 7, 1977

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Ashbach	Frederick	Lewis	Peterson	Solon
Bang	Gerty	Luther	Pillsbury	Spear
Benedict	Gunderson	Menning	Purfeerst	Stokowski
Bernhagen	Hanson	Milton	Renneke	Tennessee
Borden	Jensen	Moe	Schmitz	Ueland, A.
Chenoweth	Johnson	Nelson	Schrom	Ulland, J.
Coleman	Kleinbaum	Olson	Setzepfandt	Vega
Davies	Knutson	Penny	Sieloff	Wegener
Engler	Laufenburger	Perpich	Sikorski	Willet

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Roy M. Lindquist.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gerty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Peterson	Stokowski
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Borden	Humphrey	Menning	Renneke	Tennessee
Brataas	Jensen	Merriam	Schaaf	Ueland, A.
Chenoweth	Johnson	Milton	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schrom	Vega
Coleman	Keefe, S.	Nelson	Setzepfandt	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olhoft	Sillers	
Engler	Knutson	Olson	Solon	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Dieterich introduced—

S. F. No. 1176: A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivisions 1 and 4; and repealing Minnesota Statutes 1976, Sections 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Penny; Keefe, S. and Davies introduced—

S. F. No. 1177: A bill for an act relating to legal newspapers; simplifying procedures for receiving reimbursement for publication of proposed constitutional amendments; amending Minnesota Statutes 1976, Section 3.22.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Perpich introduced—

S. F. No. 1178: A bill for an act relating to the town of McDavitt; authorizing the town to issue general obligations for acquisition and betterment of a town hall.

Referred to the Committee on Local Government.

Mr. Frederick introduced—

S. F. No. 1179: A bill for an act relating to savings associations; investments in certain obligations; amending Minnesota Statutes 1976, Section 51A.35.

Referred to the Committee on Commerce.

Messrs. Chmielewski and Renneke introduced—

S. F. No. 1180: A bill for an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

Referred to the Committee on Local Government.

Messrs. Hughes, Ogdahl, Coleman, Anderson and Merriam introduced—

S. F. No. 1181: A bill for an act relating to education; buildings; certificates of need; providing for the economical joint use of school and other public buildings.

Referred to the Committee on Education.

Mr. Dieterich introduced—

S. F. No. 1182: A bill for an act relating to taxation; exempting residential heating products from the sales and use tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Dieterich, Hanson, Bernhagen and Sikorski introduced—

S. F. No. 1183: A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitious and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 38.02, Subdivision 2; 38.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2; 192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039; 353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

Referred to the Committee on Judiciary.

Messrs. Dieterich and Sieloff introduced—

S. F. No. 1184: A bill for an act relating to taxation; eliminating city excise taxes on utility charges; providing for replacement of revenues lost by the cities due to elimination of that revenue; appropriating funds; amending Minnesota Statutes 1976, Section 477A.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Gearty; Stokowski; Johnson and Knoll introduced—

S. F. No. 1185: A bill for an act relating to taxation; property tax and income-adjusted homestead credit; reducing assessed val-

uation of homestead property; increasing homestead property exemption; increasing rent constituting property taxes and maximum amounts of income-adjusted homestead credit; amending Minnesota Statutes 1976, Sections 273.13, Subdivision 7; 290A.03, Subdivision 11; and 290A.04, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Gearty; Stokowski; Schaaf and Jensen introduced—

S. F. No. 1186: A bill for an act relating to elections; providing that the secretary of state prescribe voting equipment; prohibiting certain equipment; amending Minnesota Statutes 1976, Section 206.08, by adding subdivisions.

Referred to the Committee on Elections.

Mr. Davies introduced—

S. F. No. 1187: A bill for an act relating to medical malpractice; providing limited liability for health care providers who disclose medically induced injuries to their patients.

Referred to the Committee on Judiciary.

Messrs. Davies and Merriam introduced—

S. F. No. 1188: A bill for an act relating to insurance; prohibiting health care providers from providing professional services unless there is in effect an insurance policy covering claims which may arise from the provision of the services.

Referred to the Committee on Judiciary.

Messrs. Davies and Dieterich introduced—

S. F. No. 1189: A bill for an act relating to insurance; providing for easier comparison of costs of automobile insurance coverage; amending Minnesota Statutes 1976, Section 65B.68, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Gunderson; Solon; Keefe, S.; Ueland, A. and Benedict introduced—

S. F. No. 1190: A bill for an act relating to highway traffic regulations; providing parking privileges and license plates for the physically handicapped; amending Minnesota Statutes 1976, Sections 168.021, Subdivisions 1 and 5; and 169.345.

Referred to the Committee on Judiciary.

Mr. Jensen introduced—

S. F. No. 1191: A bill for an act relating to the city of Springfield; providing for city buildings and equipment and their use; providing for a bond issue.

Referred to the Committee on Local Government.

Messrs. Ogdahl, Stumpf, Setzepfandt and Davies introduced—

S. F. No. 1192: A bill for an act relating to the practice of chiropractic; prohibiting the state and its political subdivisions from discrimination against licensed chiropractors because of race, creed or sex or in any manner which would tend to impede their performing and receiving compensation for authorized services; amending Minnesota Statutes 1976, Sections 148.03 and 148.08, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olson, Chmielewski and Solon introduced—

S. F. No. 1193: A bill for an act relating to taxation; eliminating duty of county recorder to list judgments affecting real estate titles; eliminating payment to county recorder for making lists; amending Minnesota Statutes 1976, Section 272.17.

Referred to the Committee on Judiciary.

Messrs. Olson, Chmielewski and Solon introduced—

S. F. No. 1194: A bill for an act relating to real estate; removing specific charge for copies of instrument filed with registrar; amending Minnesota Statutes 1976, Section 508.38.

Referred to the Committee on Judiciary.

Messrs. Olson, Chmielewski and Solon introduced—

S. F. No. 1195: A bill for an act relating to real estate; transfers of undivided interests; amending Minnesota Statutes 1976, Section 272.14.

Referred to the Committee on Judiciary.

Mr. Sillers introduced—

S. F. No. 1196: A bill for an act relating to aeronautics; providing for joint interstate airports; amending Minnesota Statutes 1976, Section 360.042, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Wegener, Purfeerst and Engler introduced—

S. F. No. 1197: A bill for an act relating to crimes and criminals; littering; prohibiting the owner or operator of certain vehicles from

permitting certain articles and materials being thrown, deposited or dumped from vehicles; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.42, by adding a subdivision; and 609.68.

Referred to the Committee on Judiciary.

Messrs. Menning, Ashbach, Setzepfandt, Borden and Hanson introduced—

S. F. No. 1198: A bill for an act relating to education; providing for public improvements for vocational-technical education; providing a bond issue; appropriating money.

Referred to the Committee on Finance.

Mr. Tennessen introduced—

S. F. No. 1199: A bill for an act relating to public welfare; providing for pilot dental health programs; providing an appropriation; amending Laws 1973, Chapter 305, Section 9; repealing Laws 1973, Chapter 305, Section 10.

Referred to the Committee on Finance.

Messrs. Johnson, Borden, Strand, Nichols and Menning introduced—

S. F. No. 1200: A bill for an act relating to public utilities; revoking the certificate of authority issued to a certain telephone company; providing for transfer of authority and property; declaring legislative findings in regard thereto.

Referred to the Committee on Commerce.

Mr. Willet introduced—

S. F. No. 1201: A bill for an act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivision 1a; 105.415; 105.44, Subdivisions 1, 2, 3, 6, 9 and 10; 105.462; 105.482, Subdivisions 3 and 5; and Chapter 105, by adding a section; repealing Minnesota Statutes 1976, Section 105.41, Subdivision 1b.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf; McCutcheon; Keefe, J.; Dieterich and Keefe, S. introduced—

S. F. No. 1202: A bill for an act relating to highway traffic regulations; parking citations; the reporting of the same and their collection.

Referred to the Committee on Judiciary.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 226: A bill for an act relating to minimum wage; providing a higher minimum wage; amending Minnesota Statutes 1976, Section 177.24.

Senate File No. 226 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1977

CONCURRENCE AND REPASSAGE

Mr. Milton moved that the Senate concur in the amendments by the House to S. F. No. 226 and that the bill be placed on its repassage as amended. The motion prevailed.

RECONSIDERATION

Mr. Jensen moved that the vote whereby Mr. Milton's motion to concur in the amendments by the House to S. F. No. 226 and that the bill be placed on its repassage as amended, be now reconsidered. The motion prevailed.

Mr. Jensen moved that the Senate do not concur in the amendments by the House to S. F. No. 226, 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 question was taken on the adoption of the motion.

The roll was called, and there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Menning	Renneke	Ueland, A.
Bang	Hughes	Nichols	Schaaf	Ulland, J.
Benedict	Jensen	Ogdahl	Schmitz	Vega
Bernhagen	Keefe, J.	Olhoff	Schrom	Wegener
Brataas	Kleinbaum	Olson	Setzepfandt	Willet
Chmielewski	Laufenburger	Penny	Sieloff	
Dunn	Lessard	Peterson	Sillers	
Engler	Lewis	Pillsbury	Solon	
Frederick	McCutcheon	Purfeerst	Strand	

Those who voted in the negative were:

Anderson	Dieterich	Keefe, S.	Moe	Staples
Borden	Gunderson	Knoll	Nelson	Stokowski
Chenoweth	Hanson	Luther	Perpich	Stumpf
Coleman	Humphrey	Merriam	Sikorski	Tennessee
Davis	Johnson	Milton	Spear	

The motion prevailed.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 315, 384, 398, 442, 489, 445, 524, 720 and 971.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 6, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 315: A bill for an act relating to state government; state zoological board; providing for a member designated by the Dakota county board; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

Referred to the Committee on Governmental Operations.

H. F. No. 384: A bill for an act relating to interim claims against the state; appropriating moneys for the payment thereof.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 393, now on General Orders.

H. F. No. 398: A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; prescribing penalties.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 442: A bill for an act relating to children; damage done by a child; altering amount of parental liability; amending Minnesota Statutes 1976, Section 540.18, Subdivision 1.

Referred to the Committee on Judiciary.

H. F. No. 489: A bill for an act relating to legal newspapers; simplifying procedures for receiving reimbursement for publication of proposed constitutional amendments; amending Minnesota Statutes 1976, Section 3.22.

Referred to the Committee on General Legislation and Veterans Affairs.

H. F. No. 445: A bill for an act relating to natural resources; acquisition, development, and maintenance of recreational sites

along designated canoe and boating routes; amending Minnesota Statutes 1976, Section 85.32, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 524: A bill for an act relating to beverage containers; detachable parts of noncarbonated beverage cans; amending Minnesota Statutes 1976, Section 325.248, Subdivision 1.

Referred to the Committee on Rules and Administration.

H. F. No. 720: A bill for an act relating to commerce; regulation of subdivision of lands by the commissioner of securities; extending time for filing reports of subdivided land; amending Minnesota Statutes 1976, Section 83.30, Subdivision 1.

Referred to the Committee on Commerce.

H. F. No. 971: A bill for an act relating to insurance; providing financial requirements for nonprofit health service plan corporations; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the report on S. F. No. 324 be now adopted. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was re-referred

S. F. No. 65: A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65;

609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 32, strike "*Inmate review board*" and insert "*Ombudsman*"

Page 5, line 32, strike "*board created*" and insert "*ombudsman for the department of corrections or his designee.*"

Page 6, strike line 1

Page 7, after line 9, insert:

"The participation of inmates in the mutual agreement program shall be limited by the appropriations made for that purpose."

Page 7, strike lines 20 to 28

Page 7, line 29, strike "4" and insert "3"

Page 7, line 30, strike "*inmate review board*" and insert "*ombudsman*"

Page 7, line 31, strike "*inmate*" and insert "*ombudsman*"

Page 7, line 32, strike "*review board*"

Page 8, line 2, strike "*it*" and insert "*the ombudsman*"

Page 8, line 5, strike "5" and insert "4"

Page 8, strike lines 9 to 22 and insert:

"Sec. 7. [VOLUNTARY PROGRAMS.] The commissioner shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates who desire to voluntarily participate in such programs. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed on him by the funds appropriated for such programs.

No action challenging the level of expenditures for programs authorized under this subdivision, nor any action challenging the selection, design or implementation of those programs, may be maintained by an inmate in any court in this state."

Page 9, lines 17 and 23, strike "*inmate review board*" and insert "*commissioner*"

Page 11, line 20, strike "*authority*" and insert "*board*"

Page 13, line 29, after "AVAILABLE" insert "; APPEAL OF SENTENCE"

Page 15, after line 8, insert:

"Subd. 3. Prior to the imposition of consecutive sentences for multiple offenses or to the imposition of a sentence which has been increased or decreased pursuant to subdivision 1, the court shall order argument from the prosecuting attorney and counsel for the defendant in support of or against the imposition of a decreased sentence, of an increased sentence, or of consecutive sentences. Counsel shall be permitted to include in the record any relevant reports, documents or other information in support of his argument."

Page 15, line 9, strike "length" and insert "statutory time period"

Page 15, strike lines 16 to 19 and insert:

"Subd. 5. The defendant may file an appeal from the district court to the supreme court of any of the following:

(a) a sentence which is not authorized by statute for the offense of which the defendant has been convicted;

(b) the imposition of consecutive sentences for multiple offenses;

(c) the imposition of an extended term;

(d) the length of the extended term imposed;

(e) the imposition of an increased sentence; or

(f) the period of time by which a statutory sentence has been increased. The defendant may not appeal the imposition of a sentence which does not deviate from the sentence set by statute for the offense for which he has been sentenced. The supreme court may not, on appeal pursuant to this subdivision, review any part of the sentence other than that part which is in excess of the sentence set by statute for the offense of which the defendant has been convicted.

An appeal under this subdivision may be filed independently or together with an appeal of the conviction giving rise to the sentence.

Subd. 6. The prosecuting attorney may file an appeal from the district court to the supreme court of the failure to impose an extended term pursuant to section 20."

Renumber the subdivisions in sequence

Page 15, line 20, strike "4" and insert "5"

Page 15, line 21, after "the" insert "relevant part of a"

Page 15, line 21, strike "imposed"

Page 15, line 22, strike "the sentence" and insert "it"

Page 15, line 25, strike "This power shall be" and insert:

"On appeal pursuant to subdivision 6 the supreme court may review the failure to impose an extended term to determine whether the failure was unreasonable or inappropriate under the circumstances, or to determine whether the failure to impose an

extended term resulted in a sentence which is unjustifiably disparate in comparison with cases of a similar nature.

The power of review provided in this section shall be

Page 15, line 27, begin a new paragraph with "Upon"

Page 15, line 28, strike the second comma and insert "; or may"

Page 15, line 29, after "aside" insert "that part of"

Page 15, line 29, strike "imposed," and insert "which is under review; or may"

Page 15, line 30, strike "and direct the entry of an appropriate sentence or" and insert "for"

Page 15, line 31, strike "order, or direct"

Page 18, line 4, strike "at any time"

Page 18, strike line 8 and insert:

"Sec. 19. Minnesota Statutes 1976, Section 609.135, Subdivision 2, is amended to read:

Subd. 2. [PROBATION.] (1) ~~In case the conviction is for a felony such stay shall be for not more than the maximum period for which the sentence of imprisonment might have been imposed. If the court places~~

Page 18, after line 17, insert:

"(2) ~~In case~~ If the conviction is for a misdemeanor the stay shall not be for more than one year.

(3) ~~In case~~ If the conviction is for a gross misdemeanor the stay shall not be for more than two years.

(4) At the expiration of ~~such~~ the stay, unless the stay has been revoked or the defendant discharged prior thereto, the defendant shall be discharged."

Page 18, line 18, before "An" insert "Subdivision 1."

Page 19, line 11, after "or" insert "great"

Page 19, line 11, strike "injury which created a high" and insert "harm"

Page 19, strike lines 12 to 14

Page 19, line 15, strike "organ"

Page 19, line 31, strike "at any time"

Page 20, after line 14, insert

"Subd. 2. The prosecuting attorney may file an appeal pursuant to section 609.10 of the failure to impose an extended term."

Page 28, line 6, strike "may" and insert "shall"

Page 28, line 7, strike "not more than"

Page 28, line 7, strike "or to" and insert "*and one day*"

Page 28, line 8, strike "payment of a fine of not more than"

Page 28, line 8, strike "\$1,000 , or both"

Page 29, line 1, strike "may" and insert "*shall*"

Page 29, line 1, strike "not more than"

Page 29, line 2, strike "or to payment of a fine of not more than" and insert "*and one day*"

Page 29, line 3, strike "\$1,000 , or both"

Page 41, line 13, after the comma insert "*and the person who escaped was under lawful custody on a charge or conviction for a felony or gross misdemeanor, the sentence shall be increased to twice that permitted in clause (1) or (2). If the escape was effected by violence or threat of violence against a person, and the person who escaped was under lawful custody on a charge or conviction for a misdemeanor,*"

Page 41, line 14, strike "those" and insert "*that*"

Page 41, line 14, strike "clauses (1), (2), and" and insert "*clause*"

Page 56, line 3, strike "may" and insert "*shall*"

Page 56, line 4, strike "not more than"

Page 56, line 4, strike "or to" and insert "*and one day*"

Page 56, line 5, strike "payment of a fine of not more than"

Page 56, line 5, strike "\$1,000 , or both"

Amend the title as follows:

Page 1, line 12, strike the first "Subdivision 1" and insert "Subdivisions 1 and 2"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was re-referred

S. F. No. 461: A bill for an act relating to the administration of criminal justice; establishing a contingent fund to be used by law enforcement agencies for the purchase of narcotics and contraband; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [CONTINGENT FUND FOR PURCHASE OF CONTRABAND AND CONTROLLED SUBSTANCES.] Subdivision 1. The commissioner of finance shall make moneys available to law enforcement agencies out of the contingent fund hereby

established and hereinafter referred to as the law enforcement contingent fund which consists of money in the state treasury appropriated for the purpose of investigation of cross jurisdictional criminal activity.

Subd. 2. Law enforcement agencies may use up to \$250,000 from the law enforcement contingent fund for criminal investigatory activity relating to possession and sale of controlled substances, including purchases of controlled substances and acquisition of information.

Subd. 3. Law enforcement agencies may use up to \$250,000 from the law enforcement contingent fund for criminal investigatory activity relating to receiving or selling of stolen goods, including purchases of contraband and information.

Subd. 4. Application for funds shall be made to the attorney general describing the intended criminal investigation under subdivision 2 or 3 and the estimated amount of money required for the purposes set out in this section. A report shall be made to the attorney general at the conclusion of the investigation for which funds are allocated stating: (a) the number of persons arrested, (b) the nature of the charges filed against them, (c) the nature and value of controlled substances or contraband purchased and/or seized, and (d) the amount of fund money paid to informants during the investigation. Unused funds shall be returned to the law enforcement contingent fund by the reporting agency.

Subd. 5. Application to the attorney general from the law enforcement agencies shall be maintained as confidential records. Reports to the attorney general at the conclusion of the investigation funded under this section shall be public records.

Subd. 6. For the purposes of this section, "law enforcement agency" includes county sheriffs or the chief administrative officer of city police departments or their designees.

Sec. 2. [APPROPRIATION.] The sum of \$500,000 is appropriated to the law enforcement contingent fund from the general fund for the purposes of this act for the biennium beginning July 1, 1977. This appropriation shall not lapse until July 1, 1979, notwithstanding Minnesota Statutes, Section 16A.28, or other law relating to the lapse of an appropriation."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 362: A bill for an act relating to retirement; miscellaneous amendments to the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 2; 354.10; 354.49, Subdivision 5; 354.50, Subdivision 2; 354.53, Subdivision 1; and 354.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 19, insert:

"Sec. 2. Minnesota Statutes 1976, Section 354.06, Subdivision 2, is amended to read:

Subd. 2. The board shall annually elect one of its members as president, shall elect a secretary an executive director, and fix his salary, who shall serve during the pleasure of the board and be the executive officer of the board, with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer the fund. The cost and expense of administering the provisions of sections 354.05 to 354.10 shall be paid by the fund.

Sec. 3. Minnesota Statutes 1976, Section 354.06, is amended by adding a subdivision to read:

Subd. 2a. [DUTIES AND POWERS OF THE EXECUTIVE DIRECTOR.] The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as advisor to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:

- (1) Attend all meetings of the board;*
- (2) Prepare and recommend to the board rules for the purpose of carrying out the provisions of chapter 354;*
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;*
- (4) Designate an assistant director with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter;*
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;*
- (6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. Professional management services may not be contracted for more often than once in every six years. Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;*
- (7) With the approval of the board provide inservice training for all employees of the association;*

(8) *Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in chapter 354;*

(9) *Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;*

(10) *Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;*

(11) *Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by Minnesota Statutes, Chapter 356;*

(12) *Certify funds available for investment to the state board of investment;*

(13) *With the advice and approval of the board request the state board of investment to sell securities when he determines that funds are needed for the purposes of the association;*

(14) *Prepare and submit biennial and annual budgets to the board and with the approval of the board submit such budgets to the department of administration; and*

(15) *With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business.*

Sec. 4. Minnesota Statutes, Section 354.07, is amended by adding a subdivision to read:

Subd. 9. [MEMBER INFORMATION.] All school districts, state universities, community colleges and other employers of members of the fund are obligated to distribute to their employees ballots for the election of members to the board of trustees, pamphlets, brochures, documents or any other material containing fund information which are prepared by the executive director or the board and are delivered to the employers for distribution."

Page 3, after line 21, insert:

"Sec. 6. Minnesota Statutes 1976, Section 354.41, Subdivision 6, is amended to read:

Subd. 6. Any such former member who elects membership in the fund as authorized by subdivision 4 shall be eligible to make payment for service which was rendered prior to July 1, 1975 in any of the organizations enumerated in subdivision 4, provided the organization makes satisfactory certification of such service as prescribed in section 354.05, subdivision 28. This payment shall be limited to the most recent five years of allowable service credit and shall include all required employee and employer contributions as provided in section 354.42, subdivisions 2, 3 and 5. Interest shall

be paid on both the employee and employer contributions at the rate of six percent per annum *compounded annually* from the end of the fiscal year during which such service was rendered to the date of payment. The payment described herein must be made in one lump sum prior to July 1, 1980 or prior to retirement, whichever is earlier.

Sec. 7. Minnesota Statutes 1976, Section 354.43, Subdivision 4, is amended to read:

“Subd. 4. When the amount of such remittances described in *Minnesota Statutes 1974*, Section 354A.07, Subdivision 4 and subdivision 3 of this section is equal to the social security receivable as defined in section 354.05, subdivision 29, the board of trustees of the teachers retirement association shall reduce their certifications pursuant to subdivision 1 of this section by an amount equal to the employing authorities’ certifications and remittances as described in subdivision 3 of this section.”

Page 6, after line 13, insert:

“Sec. 12. [INSTRUCTIONS TO REVISOR.] *Except for Minnesota Statutes, Section 354.06, Subdivision 2a, whenever the terms “secretary”, “secretary of the board” or “secretary of the board of trustees” appear in subsequent editions of Minnesota Statutes, Chapter 354, the revisor of statutes is directed to substitute “executive director”.*”

Renumber sections in sequence

Further, amend the title as follows:

Page 1, line 4, after “Subdivision 2;” insert “354.06, Subdivision 2, and by adding a subdivision; 354.07, by adding a subdivision;”

Page 1, line 5, after “354.10;” insert “354.41, Subdivision 6; 354.43, Subdivision 4;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 96: A bill for an act relating to insurance; providing that senior citizens may cancel certain policies of insurance within seven business days after purchase; setting out notice requirements.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [72A.51] [RIGHT TO CANCEL.] Subdivision 1. For the purposes of sections 1 and 2 “date of purchase” means the date on which the purchaser receives a copy of the policy or contract.

Subd. 2. Any individual person may cancel an individual policy

of insurance against loss or damage by reason of the sickness of the assured or his dependents, a nonprofit health service plan contract providing benefits for hospital, surgical and medical care, a health maintenance organization subscriber contract, or a policy of insurance authorized by Minnesota Statutes, Section 60A.06, Subdivision 1, Clause (4), by returning the policy or contract and by giving written notice of cancellation any time before midnight of the tenth day following the date of purchase. Notice of cancellation may be given personally, by mail, or by telegram. The policy or contract may be returned personally or by mail. If by mail, the notice or return of the policy or contract is effective upon deposit in a mailbox, properly addressed and postage prepaid.

Subd. 3. A person's cancellation of an insurance policy or contract under sections 1 and 2 is without liability on his part and he is entitled to a refund of the entire consideration paid for the policy or contract within ten days after notice of cancellation and the returned policy or contract are received by the insurer or its agent. Cancellation of an insurance policy or contract under sections 1 or 2 makes the policy or contract void from its inception.

Subd. 4. A person may not waive or surrender his right to cancel an insurance policy or contract under sections 1 and 2.

Sec. 2. [72A.52] [NOTICE REQUIREMENTS.] Subdivision 1. In addition to all other legal requirements a policy or contract of insurance described in section 1 shall show the name and address of the insurer and the seller of the policy or contract and shall state, clearly and conspicuously in bold face type of a minimum size of ten points, a notice in the following form or its equivalent:

"RIGHT TO CANCEL. You may cancel this policy by delivering or mailing a written notice or sending a telegram to (insert name and mailing address of the insurer or the seller of the policy or contract) and by returning the policy or contract before midnight of the tenth day after the date he receives the policy. Notice given by mail and return of the policy or contract by mail are effective on deposit in a mailbox properly addressed and postage prepaid. The insurer must return all payments made for this policy within ten days after it receives notice of cancellation and the returned policy."

Subd. 2. If a policy or contract of insurance covered by this section is sold without compliance with subdivision 1, the policy or contract may be cancelled by the purchaser at any time within one year after the date of purchase by returning the policy or contract and by giving written notice of cancellation to the insurer or its agent. If a purchaser cancels a policy or contract under this subdivision, the insurer must return the entire consideration paid for the policy or contract within 10 days after he receives notice of cancellation and the returned policy or contract."

Further amend the title as follows:

Page 1, line 2, strike "senior" and insert "individual persons"

Page 1, line 3, strike "citizens"

Page 1, line 4, strike "seven business" and insert "ten"

Page 1, line 4, strike "purchase" and insert "receipt"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was re-referred

S. F. No. 582: A bill for an act relating to motor vehicle common carriers; reinstating operating authority of certain irregular route common carriers.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, strike "1967" and insert "1968"

Page 1, line 10, strike "solely as"

Page 1, line 11, strike "a result of the transfer" and insert "who"

Page 1, line 12, after "carrier" insert "solely as a result of that transfer without benefit of hearing and review of evidence of operating authority actually exercised by the carrier"

Page 1, line 12, after "have" strike "the" and insert "all of his lost"

Page 1, line 14, before the period insert "without hearing"

Page 1, line 16, strike "30" and insert "15"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 600: A bill for an act relating to education; trade schools; exempting certain courses in the arts from regulation by the commissioner of education; amending Minnesota Statutes 1976, Section 141.35.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, strike lines 21 to 25 and insert:

"(m) Courses of instruction in the fine arts provided by organizations exempt from taxation pursuant to section 290.05 and registered with the Minnesota department of commerce pursuant to chapter 309. "Fine arts" means activities resulting in artistic creation or artistic performance of works of the imagination which are engaged in for the primary purpose of creative expression rather than commercial sale or employment. In making this determination the commissioner may seek the advice and recommendation of the Minnesota board of the arts."

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 616: A bill for an act relating to the disposition of unclaimed property; changing certain definitions; changing the length of time unclaimed property must be held before disposition; changing certain disposition procedures; amending Minnesota Statutes 1976, Sections 345.31, Subdivisions 3 and 6; 345.32; 345.33; 345.35; 345.37; 345.39; 345.41; 345.47; and Chapter 345, by adding sections; repealing Minnesota Statutes 1976, Section 55.14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, strike "excluding any reasonable"

Page 2, line 13, strike "charges that may lawfully be withheld,"

Page 2, line 22, before the period insert "; or

(4) received tax reports or regular statements of the deposit by mail from the banking or financial organization regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the banking or financial organization and not returned; or

(5) acted as provided in paragraphs (1), (2), (3) and (4) of this subsection in regard to another demand, savings or time deposit made with the banking or financial organization"

Page 2, line 23, after "funds" insert "or dividends deposited or"

Page 2, line 24, after "organization" insert "or business association"

Page 2, line 26, strike "excluding any charges that may lawfully"

Page 2, line 27, strike "be withheld,"

Page 3, line 3, before the period insert "; or

(4) received tax reports or regular statements of the deposit or accounting by mail from the financial organization or business association regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the financial organization or business association and not returned"

Page 3, line 4, strike ", excluding any charges that may lawfully be"

Page 3, line 5, strike "withheld,"

Page 3, line 9, strike "certificates of deposit,"

Page 3, line 25, strike "or any surplus amounts arising from"

Page 3, line 26, strike "the sale thereof pursuant to law,"

Page 8, line 3, after "report" insert "annually"

Page 8, line 31, strike "As of June 30, 1977"

Page 8, line 32, strike ", 1977, and before November 1"

Page 9, line 1, strike "thereafter"

Page 9, line 3, strike ", 1978, and before May 1"

Page 9, line 4, strike "thereafter"

Page 9, after line 16, insert:

"(g) Holders of property described in section 345.32 shall not impose any charges against property which is described in section 345.32, clauses (a), (b) or (c).

(h) Any person who has possession of property which he has reason to believe will be reportable in the future as unclaimed property may, with the permission of the state treasurer, report and deliver such property prior to the date required for reporting in accordance with this section.

Sec. 9. Minnesota Statutes 1976, Section 345.43, is amended to read:

345.43 [PAYMENT OR DELIVERY OF ABANDONED PROPERTY.] *Subdivision 1.* Every person who has filed a report under section 345.41, within 20 days after the time specified in section 345.42 for claiming the property from the holder, or in the case of sums payable on traveler's checks or money orders presumed abandoned under section 345.32 within 20 days after the filing of the report, shall pay or deliver to the state treasurer all abandoned property specified in ~~this~~ *the* report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in section 345.42, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the state treasurer, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

Subd. 2. *The state treasurer may in his discretion determine that the payment of abandoned property presents a hardship for a cooperative. If the state treasurer determines that a hardship exists, he may permit the cooperative to provide payment in equal installments over a period of three years.*

(a) If legitimate claims to property reported by the cooperative to the state treasurer exceed the installments paid, the excess shall be paid by the cooperative to the state treasurer out of subsequent installments.

(b) This subdivision shall apply only to abandoned property for which reports were filed within 12 months after July 1, 1977."

Renumber the sections in sequence

Further amend the title as follows:

Page 1, line 8, after "345.41;" insert "345.43;"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 470: A bill for an act relating to corrections; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; classifying data; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.15; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 242.09, is amended to read:

242.09 [COOPERATION; OTHER AGENCIES.] The commissioner of public welfare, the commissioner of education, and the state board of health through its executive officer shall advise, cooperate with and assist the board and the commissioner of corrections in carrying out the duties and responsibilities assigned to it by this chapter and for these purposes they may attend meetings. Their facilities and services and those of other state agencies, particularly of the department of public welfare, shall be made available to the board and the commissioner of corrections upon such *the* terms as the governor may ~~direct~~ *directs*.

Sec. 2. Minnesota Statutes 1976, Section 242.10, is amended to read:

242.10 [POWERS; PROBATION, COMMITMENT, PAROLE.] (1) Every order granting or revoking probation, committing to an institution, granting or revoking parole, or issuing final discharge to any person under the control of the corrections board shall be made by the board. The board may not delegate the making of such decisions to any other body or person. When the board acts under this section, three members shall constitute a quorum.

(2) All other powers conferred on the board may be exercised by the chairman or through his subordinates under rules established by the board. Any person subjected to an order of the chairman or such subordinates may petition the board for review.

(3) The commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them the authority to grant or revoke probation, commit to an institution, grant or revoke parole, or issue final discharge to any person under the control of the commissioner pursuant to a commitment to him by a juvenile court of this state. Any person

aggrieved by an order issued by *such a hearing officer* may appeal to the commissioner or to a review panel established by the commissioner within his department pursuant to rules issued by the commissioner.

Sec. 3. Minnesota Statutes 1976, Section 242.14, is amended to read:

242.14 [PLACEMENT IN PENAL INSTITUTION PROHIBITED.] The *board commissioner of corrections* shall not have power by virtue of any commitment to *it him* by a juvenile court, as authorized by section 260.185, to place *such a child committed to him* in any a penal institution.

Sec. 4. Minnesota Statutes 1976, Section 242.18, is amended to read:

242.18 [STUDY OF OFFENDER'S BACKGROUND; TREATMENT POLICY.] When a person has been committed to the ~~board or~~ the commissioner of corrections, ~~the board or~~ the commissioner of corrections under its *his* rules shall forthwith cause him to be examined and studied, and investigate all of the pertinent circumstances of his life and the antecedents of the crime *or other delinquent conduct* because of which he has been committed to ~~it the commissioner~~, and thereupon order *such the* treatment as ~~it he shall determine~~ *determines* to be most conducive to the accomplishment of the purposes of this chapter. ~~For the study and examination of those persons committed to the board or the commissioner of corrections who are deemed to require custodial detention for their own protection or the protection of society during the diagnostic process the commissioner shall make available suitable space at any institution under his control for the conduct of such study and examination rehabilitation.~~ Persons convicted of crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent children be detained in institutions for persons convicted of crimes. The court and the prosecuting and police authorities and other public officials shall make available to the board and the commissioner of corrections all pertinent data in their possession in respect to the case.

Sec. 5. Minnesota Statutes 1976, Section 242.31, is amended to read:

242.31 [RESTORATION OF CIVIL RIGHTS.] *Subdivision 1.* Whenever a person *who has been* committed to the ~~board commissioner of corrections~~ upon conviction of a crime *following reference for prosecution under the provisions of section 260.125* is finally discharged from its *his* control ~~other than by expiration of the maximum term of commitment as provided in this chapter, or by termination of its control under the provisions of section 242.27, such~~ by order of the Minnesota corrections board, that discharge shall; when so ordered by the board restore *such that* person to all civil rights and, *if so ordered by the Minnesota corrections board, also* shall have the effect of setting aside the conviction and, nullifying the same and of purging *such that* person thereof. The ~~board~~ Minnesota corrections board shall file a copy of the order

with the district court of the county in which the conviction occurred, whereupon the court shall order the conviction set aside.

Subd. 2. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section 242.13 609.135 and, after satisfactory fulfillment thereof, is discharged therefrom from probation, the court, shall issue an order of discharge pursuant to section 609.165. On application of the defendant or on its own motion and after notice to the county attorney, the court in its discretion may likewise so also order that the defendant's conviction be set aside with the same effect as such an order under subdivision 1.

Such These orders restore the defendant to his civil rights and purge and free him the defendant from all penalties and disabilities arising from such his conviction and it shall not thereafter be used against him, except in a criminal prosecution for a subsequent offense if otherwise admissible therein.

Subd. 3. The Minnesota corrections board shall file a copy thereof with the district court of the county in which the conviction occurred, whereupon the court shall order the conviction set aside and all records pertinent to the conviction sealed. These records shall only be reopened in the case of a judicial criminal proceeding thereafter instituted.

The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, trial, appeal dismissal and discharge, which relate to the conviction for which the order was issued.

Sec. 6. Minnesota Statutes 1976, Section 242.46, Subdivision 3, is amended to read:

Subd. 3. The corrections board commissioner shall provide probation services to juvenile courts in counties that request it or as required by section 260.311 ; it . He shall in cooperation cooperate with the judges concerned to provide supervision to probation officers in all counties of not more than 100,000 200,000 population, in order to insure high uniform standards of operation. The costs of administrative and supervisory services shall be borne by the state. The commissioner shall give newly employed probation and parole agents appropriate orientation training and shall provide systematic inservice training to all such agents thereafter, and for that purpose may assign agents to appropriate short courses at the University of Minnesota and necessary conferences and meetings held within the state.

Sec. 7. Minnesota Statutes 1976, Section 243.23, is amended to read:

243.23 [COMPENSATION PAID TO INMATES.] *Subdivision 1. Notwithstanding any law to the contrary, the commissioner of corrections is authorized and empowered to may provide for the payment to inmates of correctional institutions under his management and control of such any pecuniary compensation*

as he ~~may deem~~ *deems* proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner of corrections and the warden or superintendent, ~~provided that such inmates~~. *Inmates* who because of illness or physical disability cannot work may be paid a minimal amount per day as determined by the commissioner. ~~Such~~ *These* earnings shall be paid out of the fund provided for the carrying on of the work in which the inmate is engaged when employed on state account, or from the current expense fund of the institution as the commissioner of corrections ~~shall determine~~ *determines*.

Subd. 2. The commissioner may promulgate rules requiring the inmates of adult correctional institutions under his control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional institutions pursuant to section 243.88.

Subd. 3. Notwithstanding sections 241.01, subdivision 8; 241.26, subdivision 5; and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, and for the discharge of any legal obligations arising out of litigation under this subdivision. Any inmate of an adult correctional institution under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner shall conditionally release an inmate who is a party to an action under this subdivision, and provide for his detention during those times when he is not engaged in preparation and defense, in a local detention facility convenient to the place of the hearing.

Sec. 8. Minnesota Statutes 1976, Section 260.311, Subdivision 5, is amended to read:

*Subd. 5. [REIMBURSEMENT OF COUNTIES.] In order to reimburse the counties for the cost which they assume under Laws 1959, Chapter 698, of providing probation and parole services to wards of the commissioner of corrections and the Minnesota corrections board and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of ~~such~~ the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing herein shall be deemed to invalidate any payments to counties made pursuant to this section before the effective date of Laws 1963, Chapter 694. ~~Reimbursement shall be made only for probation officers' salary costs.~~ Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. *On or before October 30 of each year each county or group of counties shall submit to the commissioner of corrections an estimate of its costs hereunder. Reimbursement shall be made on the basis of the estimate or actual expenditures**

incurred, whichever is less. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the judge of juvenile court based on the officer's length of service and performance. The judge of juvenile court shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient.

Sec. 9. Minnesota Statutes 1976, Section 401.02, is amended by adding subdivisions to read:

Subd. 3. Any county or group of counties which have qualified for participation in the community corrections subsidy program provided by this chapter may reorganize its administrative structure, including but not limited to court services and probation, to conform with the requirements of subdivision 1 of this section notwithstanding any inconsistent general or special law.

Subd. 4. Probation officers serving the district courts of counties participating in the subsidy program established by this chapter may, without order or warrant, when it appears necessary to prevent escape or enforce discipline, take and detain a probationer or parolee and bring him before the court or the Minnesota corrections board respectively, for appropriate action by the court or the board. No probationer or parolee shall be detained more than 72 hours, exclusive of Saturdays and Sundays, pursuant to this subdivision without being provided with the opportunity for a hearing before the court or the board.

Sec. 10. Minnesota Statutes 1976, Section 401.04, is amended to read:

401.04 [ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.] Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and ~~such~~ other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state correctional services presently provided in ~~such~~ counties, employment shall be given to those state officers, employees and agents thus displaced; if hired by a county, ~~such~~ employment shall, to the extent possible and notwithstanding the provisions of any other law or ordinance to the contrary, be deemed a

transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state.

State employees displaced by county participation in the subsidy program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

Sec. 11. Minnesota Statutes 1976, Section 401.08, Subdivision 1, is amended to read:

401.08 [CORRECTIONS ADVISORY BOARD; MEMBERS; DUTIES.] Subdivision 1. The corrections advisory board provided in section 401.02, subdivision 1 shall consist of at least 18 but not more than 20 members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the lay citizen, and shall be appointed as follows:

~~(1) the law enforcement representation shall consist of a sheriff, and a chief of police (selected by the chiefs of police of the county), or their respective designees;~~

~~(2) (1) the prosecution representative shall be either the county attorney or his designee;~~

~~(3) (2) the judiciary representatives shall be designated by the chief judge of each district and county court district, and shall include judges representative of courts having felony, misdemeanor and juvenile jurisdiction respectively;~~

~~(4) (3) education shall be represented by an academic administrator appointed by the chairman of the board of county commissioners with the advice and consent of the members of the board;~~

~~(5) (4) the director of a county welfare board or his designee;~~

~~(6) (5) the public defender or his designee;~~

~~(7) (6) with the advice and consent of the other members of the county board, the chairman shall appoint the following additional members of the corrections advisory board:~~

(a) two representatives of law enforcement agencies or their designees, at least one of whom shall be from an agency headed by an elected official;

~~(a) (b) one parole or probation officer;~~

~~(b) (c) one correctional administrator;~~

~~(c) (d) a representative from a social service agency, public or private;~~

~~(d) (e) an ex-offender;~~

~~(e) (f) a licensed medical doctor or other representative of the health care professions;~~

~~(f) (g) at least four, but no more than six citizens, provided, however, that if the ethnic minorities resident in the county~~

exceed the percentage of ethnic minorities in the state population, at least two of the citizen members shall be members of an ethnic minority group.

If two or more counties have combined to participate in the subsidy authorized by this chapter, the commissioner of corrections may increase the size of the community corrections advisory board to include one county board member from each participating county.

Sec. 12. Minnesota Statutes 1976, Section 401.13, is amended to read:

401.13 [CHARGES MADE TO COUNTIES.] Each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to the commissioner ~~or the youth conservation commission~~ after August 1, 1973, and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds five years, nor shall the amount charged a participating county for the costs of confinement exceed the amount of subsidy to which the county is eligible. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties, *making necessary adjustments to reflect the actual costs of confinement. However, in no case shall the percentage increase in the amount charged to the counties exceed the percentage by which the appropriation for the purposes of sections 401.01 to 401.16 was increased over the preceding biennium.* All charges shall be a charge upon the county of commitment.

Sec. 13. Minnesota Statutes 1976, Section 401.16, is amended to read:

401.16 [WITHDRAWAL FROM PROGRAM.] Any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.16, and ~~such~~ the withdrawal shall be effective the last day of the last month of the quarter in which ~~such~~ the notice was given. *Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.*

Sec. 14. *Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2, are repealed.*"

Amend the title by striking it and inserting:

"A bill for an act relating to corrections; prescribing duties of the commissioner for parole and probation; prescribing powers

of probation officers; providing for reimbursement to counties for probation services; authorizing disposition of juvenile offenders; authorizing the sealing of criminal records; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying powers of counties under and procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.14; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 260.311, Subdivision 5; 401.02, by adding subdivisions; 401.04; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 397: A bill for an act relating to the department of natural resources; providing conservation officers with the powers of peace officers; amending Minnesota Statutes 1976, Section 84.028, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, strike "local"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was re-referred

S. F. No. 79: A bill for an act relating to real estate; placing restrictions on who may acquire title; providing enforcement powers; providing penalty; amending Minnesota Statutes 1976, Chapter 500, by adding a section; repealing Minnesota Statutes 1976, Section 500.22.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 500, is amended by adding a section to read:

[500.221] [RESTRICTIONS ON ACQUISITION OF TITLE.]
Subdivision 1. [DEFINITIONS.] For purposes of this section, "agricultural land" means land capable of use in the production of agricultural crops, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products, but does not include any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use.

Subd. 2. [ALIENS AND NONAMERICAN CORPORATIONS.] *Except as hereinafter provided, no natural person shall hereafter acquire directly or indirectly any interest in agricultural land unless he be a citizen of the United States or a permanent resident alien of the United States and no corporation, partnership, limited partnership, trustee, or other business entity shall hereafter, directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial or otherwise, in any title to agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of such entity is held directly or indirectly by citizens of the United States or permanent resident aliens. This section shall not apply to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, that all agricultural land so acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership. Further, the provisions of this section shall not apply to citizens or subjects of a foreign country whose rights to hold land are secured by treaty or lands used for transportation purposes by a common carrier, as defined in section 218.011, subdivision 2.*

Subd. 3. [ENFORCEMENT.] *If the attorney general has reason to believe that any person is violating subdivision 2, he shall commence an action in the district court in which any agricultural land relative to the violation is situated, or if situated in two or more counties, in any county in which a substantial part of the land is situated. The attorney general shall file for record with the county recorder or the registrar of titles of each county in which any portion of said land is located a notice of the pendency of the action as provided in section 557.02. If the court finds that the land in question is being held in violation of subdivision 2, it shall enter an order so declaring. The attorney general shall file for record any such order with the county recorder or the registrar of titles of each county in which any portion of said land is located. Thereafter, the natural person, corporation, partnership, limited partnership, trustee or other business entity, owning such land shall have a period of one year from the date of the order to divest itself of the lands. The aforementioned one year limitation period shall be deemed a covenant running with the title to the land against any grantee or assignee or successor corporation. Any land not so divested within the time prescribed shall be sold at public sale in the manner prescribed by law for the foreclosure of a mortgage by action. In addition, any prospective or threatened violation may be enjoined by an action brought by the attorney general in the manner provided by law. No title to land shall be invalid or subject to forfeiture by reason of the alienage of any former owner or person having a former interest therein.*

Subd. 4. [REPORTS.] *Any natural person, corporation, partnership, limited partnership, trustee, or other business entity prohibited from future acquisition of agricultural land may retain title to any agricultural land within this state acquired prior to the effective date of this act, but it shall file a report with the com-*

missioner of agriculture within 60 days after the effective date of this act containing a description of all agricultural land held within this state, the purchase price and market value of the land, the use to which it is put, the date of acquisition and any other reasonable information required by the commissioner. The commissioner shall make the information available to the public.

Subd. 5. [PENALTY.] Willful failure to properly register any parcel of land as required by subdivision 4 is a gross misdemeanor. Each full month of failure to register is a separate offense.

Sec. 2. [REPEALER.] Minnesota Statutes 1976, Section 500.22, is repealed.

Sec. 3. This act is effective the day following its final enactment."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was re-referred

S. F. No. 691: A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "*deprived*" and insert "*disadvantaged*"

Page 1, line 18, after "*partially*" strike "*or*"

Page 1, line 19, strike "*wholly*"

Page 1, line 23, strike "*deprived*" and insert "*disadvantaged*"

Page 2, after line 5 insert:

"Subd. 2. [PARTICIPATION LIMIT.] No small business or small business owned and operated by economically and socially disadvantaged persons shall be eligible for bonding pursuant to this section for a period of more than five years from the date that the small business or small business owned and operated by economically and socially disadvantaged persons received its first bond pursuant to this section."

Page 2, line 6, strike "*2*" and insert "*3*"

Page 2, line 10, strike "*deprived*" and insert "*disadvantaged*"

Page 2, after line 13 insert:

"Subd. 4. [ENCUMBRANCE NOT APPLICABLE.] Agreements of indemnity entered into pursuant to subdivision 1 shall not be subject to encumbrance requirements imposed by other provisions of the law."

Page 2, line 16, after "*\$*" insert "*140,000*"

Page 2, line 18, after "*\$*" insert "*200,000*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

H. F. No. 21: A bill for an act relating to elections; providing that certificates of election to the legislature be sent to the legislature; amending Minnesota Statutes 1976, Section 204A.54, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 11 to 13, strike all the new language

Page 1, line 17, after "and" insert "*except as otherwise provided in this subdivision for election certificates of state legislators, shall*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

H. F. No. 176: A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, strike "*the*"

Page 2, strike line 6 and insert "*August 2, 1977.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was re-referred

S. F. No. 324: A bill for an act relating to drivers licenses; increasing the fee for driver's licenses, and establishing a fee for non-qualification certificates; providing for uniform application fees; amending Minnesota Statutes 1976, Section 171.06, Subdivisions 1, 2, and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, strike "Such" and insert "*The*"

Page 2, line 18, strike "such" and insert "*the*"

Page 3, after line 15 insert

"Sec. 4. Minnesota Statutes 1976, Section 171.07, Subdivision 3, is amended to read:

Subd. 3. Upon payment of the required fee for a driver's license bearing a colored photograph, the department may issue to every applicant, the age of 16 years or over, who does not physically qualify for a driver's license, or any person not currently licensed to drive, who does not intend to apply for a driver's license under this section or who wishes to discontinue driving and surrenders his current driver's license, a nonqualification certificate. The certificate shall bear thereon a colored photograph, a distinguishing number assigned to the applicant, the full name, date of birth, residence address, a description of the applicant in such manner as the commissioner deems necessary, and a space upon which the applicant shall write his usual signature with pen and ink.

Each nonqualification certificate shall be on an all plastic or laminated plastic card of a distinguishing color and plainly marked "non-driver." "

Amend the title as follows:

Page 1, line 6, strike "Section" and insert "Sections"

Page 1, line 7, before the period insert "; and 171.07, Subdivision 3"

And when so amended the bill do pass. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 498: A bill for an act relating to public drainage systems; increasing the authorized interest rates on bonds; limiting assessment levies for repairs and maintenance; providing for a redetermination of benefits and benefited areas; amending Minnesota Statutes 1976, Sections 106.411, Subdivisions 3, 4 and 7; and 106.471, Subdivision 2; and Chapter 106, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 11, insert

"Section 1. Minnesota Statutes 1976, Section 106.015, Subdivision 5, is amended to read:

Subd. 5. Any judicial ditch or judicial drainage system in existence on June 30, 1971, may be changed to 1977, is a joint county ditch or drainage system. Such change may be initiated by order of the district court having jurisdiction of the ditch or the county boards of the counties in which the ditch is located by a petition to the said district court. No such change shall be made until the district court has held a hearing thereon. Due notice of the proposed change together with the time and place of hearing shall be given by two weeks published notice in a legal newspaper of general circulation in the area involved. All interested persons may appear and be heard. Following the hearing the district court may make its order directing that the judicial

ditch or judicial drainage system be changed to a joint county or drainage system if the court finds that the change would be in the public welfare or public interest. If the change is ordered by the court Any judicial ditch proceeding pending on June 30, 1977, shall be continued as a judicial ditch proceeding to conclusion but thereafter the ditch or drainage system involved shall be a joint county ditch or drainage system. The files and records of the a judicial ditch or judicial drainage system that becomes a joint county ditch or drainage system shall be transferred from the clerk of the district court to the county auditor of the county containing the largest area of land over which the ditch passes. Thereafter, the county boards of the respective counties shall proceed to appoint members of the respective boards as the an administrative authority as provided in subdivision 2. The ditch authority shall have the same powers as provided in subdivision 3 and the county boards of the respective counties shall have the same duties and powers as provided in subdivision 4.

Sec. 2. Minnesota Statutes 1976, Section 106.371, Subdivision 2, is amended to read:

Subd. 2. The principal of the lien shall bear interest at a rate to be fixed by the board, not to exceed six seven percent per annum from the date of the filing of the lien statement in the office of the county recorder. All interest shall constitute an additional lien on all lands and properties until fully paid and shall be due and payable as follows:

Subsequent to November 1 of each year, after the filing of the lien statement until the whole amount of the lien and interest is paid, and before the tax lists for such year are turned over to the county treasurer, the auditor shall compute the interest on the unpaid balance of the lien at the rate fixed by the board, and enter such interest, together with the instalment, if any then due, on the tax lists for the year. Such amount, instalment and interest, shall be collected in the same manner as real estate taxes for that year on the property in question are collected, collecting one-half of the total of such instalment and interest with and as a part of the real estate taxes on or before May 31 and one-half on or before October 31 of the succeeding year. The amount of interest to be entered shall be reckoned from the date of filing the lien to August 15 of the succeeding calendar year and thereafter from August 15 to August 15 of each succeeding year on the whole of the principal of the lien remaining from time to time unpaid. Interest on any lien may be paid at any time computed to the date of payment except that after the annual interest shall have been entered on the tax lists for the year, it shall be paid as entered without abatement for prepayment.

Sec. 3. Minnesota Statutes 1976, Section 106.371, Subdivision 4, is amended to read:

Subd. 4. All provisions of law now or hereafter existing relating to the collection of real estate taxes, so far as applicable hereto, are hereby adopted for the purpose of enforcing payment of such liens and instalments thereof and of the interest thereon, but in case of default, no penalty shall be added to any such

instalment of principal and interest but each defaulted payment, principal and interest, shall draw interest from the date of default until paid at ~~six~~ seven percent per annum."

Page 5, after line 23, insert:

"Sec. 9. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Renumber the sections in sequence.

Amend the title as follows:

Line 2, after the semicolon insert "transferring the administration of judicial ditches to county boards; raising the interest rate limitation on ditch lien statements; increasing the interest rate limitation on certain penalties;"

Line 7, after "Sections" insert "106.015, Subdivision 5; 106.371, Subdivisions 2 and 4;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

H. F. No. 42: A bill for an act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.29, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, after "firearm" insert "with a flintlock ignition"

Page 2, line 11, strike "the" and insert "any"

Page 2, line 11, strike "or pans if it has" and insert "and a muzzle loading firearm with"

Page 2, line 12, strike "flintlock" and insert "percussion"

Page 2, line 12, after "ignition" strike "or" and insert "is fully unloaded"

Page 2, line 12, strike "or caps"

Page 2, line 13, strike "the" and insert "any"

Page 2, line 13, strike "or nipples if it has a percussion ignition"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 597: A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Gearty from the Committee on Elections, to which was re-referred

S. F. No. 131: A bill for an act relating to ethics; restricting activities of lobbyists; amending Minnesota Statutes 1976, Section 10A.04, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 10A.03, is amended by adding a subdivision to read:

Subd. 3. The board shall notify by certified mail any lobbyist who fails to file a registration statement required by this section within the time required. A lobbyist who knowingly fails to file a registration statement required by this section within seven days after receiving notice from the board shall be guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1976, Section 10A.04, Subdivision 2, is amended to read:

Subd. 2. Each report shall cover the time from the last day of the period covered by the last report to 15 days prior to the current filing date. The reports shall be filed with the board by the following dates:

- (a) ~~February~~ January 15
- (b) ~~March~~ April 15
- (c) ~~April~~ July 15
- (d) ~~June~~ October 15
- (e) ~~October~~ 15

Sec. 3. Minnesota Statutes 1976, Section 10A.04, Subdivision 4, is amended to read:

Subd. 4. The report shall include such information as the board may require from the registration form and the following information for the reporting period:

(a) The lobbyist's total disbursements on lobbying and a breakdown of those disbursements into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses;

(b) The amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in

value to \$20 or more, given or paid to any public official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid; and

(c) Each original source of funds in excess of \$500 in any year used for the purpose of lobbying *and the actual amount received from each of these sources*. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

Sec. 4. Minnesota Statutes 1976, Section 10A.04, is amended by adding a subdivision to read:

Subd. 4b. No later than March 1 of each year, every individual or association that employed or contracted for the services of a lobbyist during the preceding calendar year shall file a report with the board setting forth the name, business address and business phone number of the reporting individual or association and of the person making the report, and the total amount of compensation and fees paid by the reporting individual or association during the preceding calendar year for the personal lobbying services of any lobbyist.

Sec. 5. Minnesota Statutes 1976, Section 10A.04, Subdivision 5, is amended to read:

Subd. 5. The board shall notify by registered certified mail any lobbyist person who fails after to file a report required under this section within five days after a filing the date imposed by section 10A.03 or this section to file a on which the report or statement is required by section 10A.03 or this section to be filed. Any person who knowingly fails to file a report required by this section within seven days after receiving notice from the board shall be subject to a late filing fee of \$10 per day beginning on the eighth day after the lobbyist receives notice and not to exceed a total fee of \$200. The notice of the board shall advise the lobbyist of the late filing fee provided in this subdivision. A lobbyist Any person who knowingly fails to file such a report or statement required by this section within seven 28 days after receiving notice from the board is guilty of a misdemeanor.

Sec. 6. Minnesota Statutes 1976, Section 10A.34, is amended by adding a subdivision to read:

Subd. 1a. The board may bring an action in the district court of Ramsey county to recover any late filing fee imposed pursuant to any provision of this chapter. All money recovered pursuant to this subdivision shall be deposited in the general fund of the state."

Amend the title as follows:

Page 1, strike lines 2 to 4 and insert:

"relating to lobbyists; changing lobbyist reporting dates; requiring employers of lobbyists to report compensation paid to lobbyists; requiring reporting of the actual amount paid by

original sources of lobbying money; imposing penalties; amending Minnesota Statutes 1976, Sections 10A.03, by adding a subdivision; 10A.04, Subdivisions 2, 4 and 5, and by adding a subdivision; and 10A.34, by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 557: A bill for an act relating to employees; participation in group life insurance and group health care plans; prohibiting certain mandatory participation requirements; providing remedies; amending Minnesota Statutes 1976, Section 62E.03, by adding a subdivision; and Chapter 61A, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, strike section 1

Page 2, line 8, strike "Sec. 2" and insert "Section 1"

Page 2, line 19, strike "*for refusing*" and insert "*who pursuant to this section refuses*"

Page 2, line 21, before the period insert "*who pursuant to this section refuses to contribute to an employee group life insurance plan*"

Page 2, line 25, after the period insert "*For the purposes of this section, "employer" means any natural person, company, corporation, partnership, association or firm which employs any employee. "Employee" is an individual as defined by section 62E.02, subdivision 8. This section shall not apply where a collectively bargained contract provides for mandatory participation in a group life insurance plan.*"

Amend the title as follows:

Page 1, line 3, strike "and group health care"

Page 1, line 6, strike "Section 62E.03, by adding a subdivision; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 362, 96, 582, 600, 616, 498, 131 and 557 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. 21 was read the second time.

H. F. Nos. 176 and 42 were read the second time and referred

to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Schmitz moved that the names of Mrs. Brataas and Mr. Bang be added as co-authors to S. F. No. 598. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Peterson be added as co-author to S. F. No. 1118. The motion prevailed.

Mr. Penny moved that the name of Mr. Nelson be added as co-author to S. F. No. 1160. The motion prevailed.

Mr. Penny moved that the names of Messrs. Nelson and Lessard be added as co-authors to S. F. No. 1158. The motion prevailed.

Mr. Keefe, S. moved that the name of Mr. Nelson be added as co-author to S. F. No. 1152. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1162. The motion prevailed.

Mr. Davies moved that S. F. No. 920 be withdrawn from the Committee on Local Government and returned to its author. The motion prevailed.

Mr. Olson moved that S. F. No. 1190 be withdrawn from the Committee on Judiciary and re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Mr. Willet moved that S. F. No. 157, No. 27 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Sieloff moved that H. F. No. 229 be withdrawn from the Committee on Employment and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Jensen moved that S. F. No. 1191 be withdrawn from the Committee on Local Government and re-referred to the Committee on Education. The motion prevailed.

Mr. Perpich moved that S. F. No. 101 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Judiciary. The motion prevailed.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended that S. F. No. 483, No. 1 on General Orders, be made a Special Order for immediate consideration. The motion prevailed.

SPECIAL ORDER

S. F. No. 483: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain

executive branch employees; limiting the ability of appointing authorities to fill certain unclassified positions; prohibiting salaries of employees of political subdivisions from exceeding the salary of the governor; prohibiting salaries of court referees from exceeding the salaries of judges; removing achievement awards; appropriating money; amending Minnesota Statutes 1976, Sections 3.099; 3.102; 3A.02, Subdivision 1; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.09, Subdivision 2a; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; 487.01, Subdivision 5; 487.02, Subdivision 1; 488A.021, Subdivision 8; and 488A.19, Subdivision 10; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; 43.069; 487.05 and 490.102, Subdivision 5.

Mr. Chenoweth moved to amend S. F. No. 483 as follows:

Page 14, after line 20, insert

"A member who terminates service after the beginning of the 1979 session shall receive a monthly allowance for each year of service equal to two and one-half percent of his average monthly salary during his final term of office if he meets the age and service requirements of this subdivision; provided that a member who has service prior to the beginning of the 1979 session, shall receive in respect to that prior service a proportional monthly allowance based on the allowance determined pursuant to clause (4)."

Page 14, strike lines 26 to 28

The motion prevailed. So the amendment was adopted.

Mr. Stokowski moved to amend S. F. No. 483 as follows:

Page 12, line 32, strike *"the president of the senate,"*

Page 13, line 1, strike *“, assistant majority leader”*

Page 13, line 3, strike *“majority leader and”*

Page 13, line 4, strike *“150”* and insert *“140”*

Page 13, line 5, after the period insert *“The president, assistant majority leader and chairman of the finance committee of the senate, and the majority leader and chairman of the appropriations committee of the house shall be paid 125 percent of the compensation of other members.”*

Mr. Pillsbury moved to amend the Stokowski amendment to S. F. No. 483, adopted by the Senate April 7, 1977, as follows:

In the page 13, line 4 amendment, strike *“140”* and insert *“125”*

In the last line of the amendment strike *“125”* and insert *“110”*

The question was taken on the adoption of the amendment to the Stokowski amendment.

The roll was called, and there were yeas 15 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Engler	Keefe, J.	Renneke
Bernhagen	Davies	Frederick	Kirchner	Ueland, A.
Brataas	Dunn	Jensen	Pillsbury	Ulland, J.

Those who voted in the negative were:

Anderson	Hughes	Luther	Peterson	Staples
Benedict	Humphrey	McCutcheon	Purfeerst	Stokowski
Borden	Johnson	Menning	Schaaf	Strand
Chenoweth	Keefe, S.	Merriam	Schmitz	Stumpf
Coleman	Kleinbaum	Moe	Setzepfandt	Tennesen
Dieterich	Knoll	Nelson	Sieloff	Vega
Gearty	Laufenburger	Olhoft	Sikorski	Wegener
Gunderson	Lessard	Olson	Sillers	Willet
Hanson	Lewis	Penny	Spear	

The motion did not prevail. So the amendment to the Stokowski amendment was not adopted.

The question recurred on the Stokowski amendment. The motion prevailed. So the amendment was adopted.

Mr. Chenoweth moved to amend S. F. No. 483 as follows:

Page 14, after line 25, insert:

"In no event may a member retiring after the beginning of the 1979 session receive an allowance based on more than 20 years service, nor shall member contributions be required after 20 years service."

The motion prevailed. So the amendment was adopted.

Mr. Chenoweth then moved to amend S. F. No. 483 as follows:

Page 14, after line 25, insert:

"For the purposes of this chapter the term salary shall not be deemed to include any additional payments provided by law for legislative leadership or chairmanship positions."

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Mr. Ashbach imposed a call of the Senate. The following Senators answered to their names:

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Luther	Peterson	Stokowski
Benedict	Hanson	McCutcheon	Pillsbury	Strand
Bernhagen	Hughes	Menning	Purfeerst	Stumpf
Borden	Humphrey	Merriam	Renneke	Tennesen
Brataas	Jensen	Milton	Schaaf	Ueland, A.
Chmielewski	Johnson	Moe	Schmitz	Ulland, J.
Coleman	Keefe, J.	Nelson	Schrom	Vega
Davies	Keefe, S.	Nichols	Setzepfandt	Wegener
Dieterich	Kirchner	Ogdahl	Sieloff	Willet
Dunn	Kleinbaum	Olhoft	Sikorski	
Engler	Knoll	Olson	Sillers	

The Sergeant at Arms was instructed to bring in the absent members.

Mr. Schaaf moved to amend S. F. No. 483 as follows:

Page 11, line 18, after "1." insert "[BASE SALARY.] *The base salary of a legislator shall be \$8,400 per year. Effective with the start of the 1979 legislative session, the base salary shall be \$16,500 per year. Effective January 1, 1980, the base salary shall be \$18,500 per year.*

Subd. 2. [INTERIM SALARY SUPPLEMENT.] In order to partially compensate a member of the legislature for income lost from his private occupation while conducting official legislative business when the legislature is not in session, each member commencing with the start of the 1979 legislative session shall receive a salary supplement in an amount not to exceed \$50 per day. The senate committee on rules and administration for senate members and the house committee on rules and legislative administration for house members shall prescribe rates of pay and procedures for the identification of official legislative business.

Subd. 3. [EXPENSE REIMBURSEMENT.] Commencing with the start of the 1979 legislative session a member of the legislature shall be reimbursed for expenses incurred in connection with official legislative business. In addition to reimbursement for expenses as provided for state employees, a member shall also be reimbursed for housing and other duplicative living expenses incurred as a result of a member having to leave his usual occupation and, in some cases, his permanent residence in order to serve in the legislature. The senate committee on rules and administration as to senate members and the house committee on rules and legislative administration as to house members shall establish eligible categories, maximum reimbursement rates and expense statement procedures for the reimbursement of these expenses.

Subd. 4. [PAYMENT SCHEDULE.]"

Page 12, lines 1 and 6, before "Each" insert "*Prior to the start of the 1979 legislative session,*" in both places

Page 12, lines 11 to 16, strike the new language

Page 12, strike lines 24 to 30

Page 12, line 31, strike "3." and insert "5."

Page 21, line 16, strike "Section" and insert "*Sections 3.101, 3.102, 3.103 and*"

Page 21, line 16, strike "is" and insert "are"

Amend the title as follows:

Page 1, line 22, after "Sections" insert "*3.101; 3.102; 3.103;*"

Mr. Dunn moved a substitute amendment to the Schaaf amendment to S. F. No. 483 as follows:

Page 12, line 7, strike "such per diem" and insert "*actual vouch-ered*"

Page 12, line 7, after "expenses" insert "*in an amount not to exceed \$30 per day*"

Page 12, line 8, strike "in such amounts and"

Page 12, lines 11 to 16, strike the new language

Page 13, line 11, strike everything after "session"

Page 13, strike lines 12 and 13

Page 13, line 14, strike everything before "in"

CALL OF THE SENATE

Mr. Ashbach imposed a call of the Senate for the balance of the proceedings on S. F. No. 483. The following Senators answered to their names:

Anderson	Frederick	Lessard	Pillsbury	Stokowski
Ashbach	Gearty	Lewis	Purfeerst	Strand
Bang	Gunderson	Luther	Renneke	Stumpf
Benedict	Hanson	Menning	Schaaf	Tennessee
Bernhagen	Hughes	Merriam	Schmitz	Ueland, A.
Borden	Humphrey	Moe	Schrom	Ulland, J.
Brataas	Jensen	Nelson	Setzepfandt	Vega
Chmielewski	Johnson	Nichols	Sieloff	Wegener
Coleman	Keefe, J.	Ogdahl	Sikorski	Willet
Davies	Keefe, S.	Olhoft	Sillers	
Dieterich	Kirchner	Olson	Solon	
Dunn	Kleinbaum	Penny	Spear	
Engler	Knoll	Peterson	Staples	

The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Dunn substitute to the Schaaf amendment.

The roll was called, and there were yeas 16 and nays 49, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Kirchner	Pillsbury	Sillers
Bernhagen	Jensen	Lessard	Renneke	Ueland, A.
Brataas	Keefe, J.	Ogdahl	Sieloff	Ulland, J.
Dunn				

Those who voted in the negative were:

Anderson	Gunderson	Luther	Penny	Spear
Benedict	Hanson	McCutcheon	Perpich	Staples
Borden	Hughes	Menning	Peterson	Stokowski
Chenoweth	Humphrey	Merriam	Purfeerst	Strand
Chmielewski	Johnson	Milton	Schaaf	Stumpf
Coleman	Keefe, S.	Moe	Schmitz	Tennessee
Davies	Kleinbaum	Nelson	Schrom	Vega
Dieterich	Knoll	Nichols	Setzepfandt	Wegener
Engler	Laufenburger	Olhoft	Sikorski	Willet
Gearty	Lewis	Olson	Solon	

The motion did not prevail. So the Dunn substitute to the Schaaf amendment was not adopted.

The question recurred on the Schaaf amendment.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 3 and nays 61, as follows:

Messrs. Anderson, Merriam and Schaaf voted in the affirmative.

Those who voted in the negative were:

Ashbach	Frederick	Lewis	Peterson	Stokowski
Bang	Gearty	Luther	Pillsbury	Strand
Benedict	Gunderson	McCutcheon	Purfeerst	Stumpf
Bernhagen	Hanson	Menning	Renneke	Tennessee
Borden	Hughes	Milton	Schmitz	Ueland, A.
Brataas	Humphrey	Moe	Schrom	Ulland, J.
Chenoweth	Jensen	Nelson	Setzepfandt	Vega
Chmielewski	Johnson	Nichols	Sieloff	Wegener
Coleman	Keefe, J.	Ogdahl	Sikorski	Willet
Davies	Keefe, S.	Olhoft	Sillers	
Dieterich	Kirchner	Olson	Solon	
Dunn	Kleinbaum	Penny	Spear	
Engler	Laufenburger	Perpich	Staples	

The motion did not prevail. So the amendment was not adopted.

Mr. Wegener moved to amend S. F. No. 483 as follows:

Page 12, line 14, strike "*substantially*" and insert "*at least 50 percent*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Olson	Sillers
Ashbach	Frederick	Laufenburger	Penny	Solon
Bang	Gearty	Lessard	Perpich	Spear
Benedict	Gunderson	Lewis	Peterson	Staples
Bernhagen	Hanson	Luther	Pillsbury	Stokowski
Borden	Hughes	McCutcheon	Purfeerst	Strand
Brataas	Humphrey	Menning	Renneke	Stumpf
Chenoweth	Jensen	Milton	Schaaf	Tennessee
Chmielewski	Johnson	Moe	Schmitz	Ueland, A.
Coleman	Keefe, J.	Nelson	Schrom	Ulland, J.
Davies	Keefe, S.	Nichols	Setzepfandt	Vega
Dieterich	Kirchner	Ogdahl	Sieloff	Wegener
Dunn	Kleinbaum	Olhoft	Sikorski	Willet

Mr. Merriam voted in the negative.

The motion prevailed. So the amendment was adopted.

S. F. No. 483 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 39 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Gearty	Humphrey	Kleinbaum
Benedict	Davies	Hanson	Johnson	Lessard
Borden	Dieterich	Hughes	Keefe, S.	Lewis

Luther	Moe	Peterson	Sikorski	Stumpf
McCutcheon	Nelson	Purfeerst	Solon	Tennessen
Menning	Ogdahl	Schaaf	Spear	Vega
Merriam	Olson	Schmitz	Staples	Willet
Milton	Perpich	Sieloff	Stokowski	

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Penny	Sillers
Bang	Engler	Kirchner	Pillsbury	Strand
Bernhagen	Frederick	Knoll	Renneke	Ueland, A.
Brataas	Gunderson	Nichols	Schrom	Ulland, J.
Chmielewski	Jensen	Olhoff	Setzepfandt	Wegener

So the bill, as amended, passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Monday, April 11, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-THIRD DAY

St. Paul, Minnesota, Monday, April 11, 1977

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Roy M. Lindquist.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Laufenburger	Perpich	Staples
Ashbach	Gearty	Lessard	Peterson	Stokowski
Bang	Gunderson	Lewis	Pillsbury	Strand
Benedict	Hanson	Luther	Purfeerst	Stumpf
Bernhagen	Hughes	McCutcheon	Renneke	Tennessee
Borden	Humphrey	Menning	Schaaf	Ueland, A.
Brataas	Jensen	Merriam	Schmitz	Ulland, J.
Chenoweth	Johnson	Milton	Schrom	Vega
Chmielewski	Keefe, J.	Moe	Setzepfandt	Wegener
Coleman	Keefe, S.	Nelson	Sieloff	Willet
Davies	Kirchner	Nichols	Sikorski	
Dieterich	Kleinbaum	Olhoft	Sillers	
Dunn	Knoll	Olson	Solon	
Engler	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. Ogdahl was excused from the Session of today. Mr. Pillsbury was excused from the early part of today's Session.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 6, 1977

The Honorable Martin O. Sabo
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 1977 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 1977	Date Filed 1977
11		12	April 6	April 6
76		13	April 6	April 6
201		14	April 6	April 6
267		15	April 6	April 6
377		16	April 6	April 6
	382	17	April 6	April 6
	383	18	April 6	April 6
	464	19	April 6	April 6

Sincerely,

Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Olson, Perpich, Chmielewski and Gunderson introduced—

S. F. No. 1203: A bill for an act relating to the historical society; designating an agricultural interpretive center in the city of Fairmont.

Referred to the Committee on Local Government. Mr. Olson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Knoll introduced—

S. F. No. 1204: A bill for an act relating to housing; providing an exception to interest limitations for borrowing by housing and development authorities; amending Minnesota Statutes 1976, Section 462.555.

Referred to the Committee on Energy and Housing.

Mrs. Staples, Messrs. Borden, Lewis, Mrs. Brataas and Mr. Milton introduced—

S. F. No. 1205: A bill for an act relating to public employment; state civil service; clarifying standards for examination, promotion, probation, filling of vacancies, relocation expenses, and travel expenses; amending Minnesota Statutes 1976, Sections 43.13, Subdivision 1; 43.14, Subdivision 1; 43.18; 43.19, Subdivision 1; 43.20, Subdivision 3, and by adding a subdivision; and 43.327, Subdivisions 1 and 2.

Referred to the Committee on Governmental Operations.

Messrs. Ashbach and Willet introduced—

S. F. No. 1206: A bill for an act relating to aircraft; clarifying compulsory insurance requirements; requiring maintenance of liability coverage only during periods of contemplated aircraft operation; amending Minnesota Statutes 1976, Section 360.59, Subdivision 10.

Referred to the Committee on Commerce.

Messrs. Merriam, Nelson, Perpich, Luther and Humphrey introduced—

S. F. No. 1207: A bill for an act relating to migrant labor; providing contract requirements; providing for the recruiting of migrant workers; prescribing penalties; providing for private causes of action; appropriating funds.

Referred to the Committee on Employment.

Mr. Milton, Mrs. Staples, Messrs. Vega, Lewis, and Keefe, S. introduced—

S. F. No. 1208: A bill for an act relating to elections; providing that polling places be accessible to the elderly and physically handicapped; amending Minnesota Statutes 1976, Section 204A.09, by adding a subdivision.

Referred to the Committee on Elections.

Messrs. Perpich, Spear, Coleman, Chenoweth and McCutcheon introduced—

S. F. No. 1209: A bill for an act relating to taxation; imposing a tax on taconite facilities under construction; amending Minnesota Statutes 1976, Chapter 298, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoff, Wegener, Olson, Strand and Bernhagen introduced—

S. F. No. 1210: A bill for an act relating to agriculture; corporate farming; defining terms; allowing gifts of stock in family farm corporations; requiring divestment of agricultural lands by corporations for certain violations; amending Minnesota Statutes 1976, Section 500.24, Subdivisions 1 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ogdahl, McCutcheon, Kleinbaum, Chenoweth and Keefe, J. introduced—

S. F. No. 1211: A bill for an act relating to sheet metal, heating, ventilation and air conditioning contractors; providing for licensure

and regulation; establishing a board of sheet metal, heating, ventilation and air conditioning within the building code division in the department of administration; prescribing powers and duties; requiring insurance and bonding for such contractors; appropriating money.

Referred to the Committee on Commerce.

Messrs. Peterson, Kleinbaum, Borden, Merriam and Lessard introduced—

S. F. No. 1212: A bill for an act relating to wild animals; license fees for the taking of fur bearing animals, except beaver; prescribing a non-resident license fee for the taking of fur bearing animals, except beaver; amending Minnesota Statutes 1976, Section 98.46, Subdivisions 4 and 14.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, Stokowski, Borden, Schaaf and Ogdahl introduced—

S. F. No. 1213: A bill for an act relating to accountancy; providing for registration of public accountants; prohibiting certain practices; providing penalties; amending Minnesota Statutes 1976, Sections 326.17; 326.18; 326.20, Subdivisions 1 and 2; and Chapter 326, by adding sections.

Referred to the Committee on Commerce.

Messrs. Sieloff and Ogdahl introduced—

S. F. No. 1214: A bill for an act relating to taxation; establishing filing requirements for a condominium association; amending Minnesota Statutes 1976, Section 290.37, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Humphrey, Benedict and Mrs. Staples introduced—

S. F. No. 1215: A bill for an act relating to energy use; requiring energy impact statements in certain instances; prescribing certain duties for the Minnesota energy agency; providing for assessment of certain costs incurred to prepare energy impact statements.

Referred to the Committee on Energy and Housing.

Mr. Luther introduced—

S. F. No. 1216: A bill for an act relating to commerce; revising permissible finance charges on open end credit sales; amending Minnesota Statutes 1976, Section 334.16.

Referred to the Committee on Commerce.

Messrs. Dieterich, Merriam, Borden, Gearty and Kleinbaum introduced—

S. F. No. 1217: A bill for an act relating to workers' compensation insurance; providing for the approval of rates and classifications by the commissioner of insurance after a hearing; providing for a hearing procedure; requiring the commissioner to employ an actuary; requiring the commissioner to assess a fee to the bureau; regulating conflicts of interest; appropriating money; amending Minnesota Statutes 1976, Sections 79.01, Subdivision 1, and by adding subdivisions; 79.07; 79.09; 79.10; 79.11; 79.15; 79.17; 79.21; and Chapter 79, by adding sections.

Referred to the Committee on Commerce.

Mr. Milton introduced—

S. F. No. 1218: A bill for an act relating to game and fish; concerning public hunting grounds and game refuges; providing funds for maintenance of roads; defraying fire and police protection expenses; amending Minnesota Statutes 1976, Section 97.49, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Milton, Coleman and Keefe, S. introduced—

S. F. No. 1219: A bill for an act relating to health; concerning health care facilities; providing for a moratorium on the expansion of the complement of hospital beds; closing certain existing facilities; amending Minnesota Statutes 1976, Sections 145.72; 145.74; 145.75; 145.751; 145.76, Subdivision 2; 145.761; and Chapter 145, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Penny, Laufenburger and Solon introduced—

S. F. No. 1220: A bill for an act relating to employment; prohibiting an employer from paying an employee's wages or salary in a form other than cash, check or negotiable instrument unless requested otherwise by the employee; providing a penalty; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

Referred to the Committee on Employment.

Messrs. Peterson, Lessard, Willet, Strand and Sillers introduced—

S. F. No. 1221: A bill for an act relating to state lands; providing for the purchase of certain lands by the department of natural resources; providing an appropriation.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lewis; Coleman; Keefe, S. and Gearty introduced—

S. F. No. 1222: A bill for an act relating to ethics in government; requiring candidates for and holders of the office of senator or representative in congress to file statements of economic interest; requiring statements to include leaseholds, gifts, and excess campaign contributions; amending Minnesota Statutes 1976, Section 10A.09, Subdivisions 1 and 5; repealing Minnesota Statutes 1976, Section 10A.09, Subdivision 7.

Referred to the Committee on Elections.

Messrs. Luther, Hanson, Menning, Willet and Penny introduced—

S. F. No. 1223: A bill for an act to regulate the vertical integration in agriculture; providing penalties.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schrom, Olhoft, Wegener, Renneke and Strand introduced—

S. F. No. 1224: A bill for an act relating to drainage ditches; requiring removal of certain obstructions on state lands; amending Minnesota Statutes 1976, Section 106.491.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther, Merriam, Sikorski and Knoll introduced—

S. F. No. 1225: A bill for an act relating to claim and delivery; providing procedures for repossession of personal property; notice and hearing; bonding requirements; third party claims; amending Minnesota Statutes 1976, Sections 336.9-503; 565.01; 565.10; and Chapter 565, by adding sections; repealing Minnesota Statutes 1976, Sections 565.02 to 565.09.

Referred to the Committee on Judiciary.

Messrs. Bernhagen, Peterson, Mrs. Brataas, Messrs. McCutcheon and Frederick introduced—

S. F. No. 1226: A bill for an act relating to taxation; providing an income tax credit for research and development expenses of certain small businesses; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bernhagen, Olhoft, Hanson, Knutson and Kirchner introduced—

S. F. No. 1227: A bill for an act relating to obscenity; specifying

the crime of unlawfully using a child for pornographic purposes; providing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Setzepfandt, Wegener, Willet, Nichols and Nelson introduced—

S. F. No. 1228: A bill for an act relating to cities; establishing a city shared administrator program of grants to be administered by the state planning agency; appropriating money.

Referred to the Committee on Local Government.

Messrs. Luther, Sikorski, Tennessen and Dieterich introduced—

S. F. No. 1229: A bill for an act relating to commerce; permitting price advertising of eyeglasses; amending Minnesota Statutes 1976, Section 148.57, Subdivision 3.

Referred to the Committee on Commerce.

Mrs. Brataas, Messrs. Frederick, Tennessen, Knoll and Hughes introduced—

S. F. No. 1230: A bill for an act relating to taxation; clarifying the definition of sale; ending taxation as lodging of rental of mobile homes on lots; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Brataas; Messrs. Ulland, J.; Keefe, J.; Milton and Benedict introduced—

S. F. No. 1231: A bill for an act relating to taxation; providing for a checkoff of income taxes to be used for support of the arts; amending Minnesota Statutes 1976, Chapter 290, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Brataas, Messrs. Ashbach, Renneke, Knutson and Schaaf introduced—

S. F. No. 1232: A bill for an act relating to the environmental quality board; providing that the commissioner of the department of economic development be a member of the board; amending Minnesota Statutes 1976, Section 116C.03, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Brataas, Messrs. Knutson, Penny, Mrs. Staples and Mr. Dieterich introduced—

S. F. No. 1233: A bill for an act relating to taxation; exempting heating fuels and insulation materials from the sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Schaaf; Sikorski; Nichols; Ulland, J. and Hughes introduced—

S. F. No. 1234: A bill for an act relating to education; authorizing the state board of education to create additional advisory task forces; amending Minnesota Statutes 1976, Section 15.014, by adding subdivisions.

Referred to the Committee on Education.

Mr. Strand introduced—

S. F. No. 1235: A bill for an act relating to acquisition of right of way for high voltage transmission lines; defining and limiting the interests acquired; prescribing acquisition procedures; providing for periodic payments and the computation thereof; specifying certain rights of the landowner and utility.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Strand, Olhofft, Wegener, Peterson and Sillers introduced—

S. F. No. 1236: A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility; appropriating money.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Strand, Nichols, Peterson and Hanson introduced—

S. F. No. 1237: A bill for an act relating to taxation; providing for an individual credit for taxpayers providing home for foreign students; amending Minnesota Statutes 1976, Section 290.06, Subdivision 3c.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Strand and Nichols introduced—

S. F. No. 1238: A bill for an act relating to taxation; providing that sales tax on telephone service charges be payable by person paying for the service; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Strand, Nichols, Menning, Borden and Gunderson introduced—

S. F. No. 1239: A bill for an act relating to telephone companies; authorizing hearings on petitions alleging insufficient service or unreasonable expense; authorizing orders to consolidate phone companies; amending Minnesota Statutes 1976, Sections 237.081, Subdivisions 1 and 4; 237.16, Subdivision 5.

Referred to the Committee on Commerce.

Messrs. Strand, Nichols, Menning and Borden introduced—

S. F. No. 1240: A bill for an act relating to telephone companies; revocation of service permits in certain instances; amending Minnesota Statutes 1976, Chapter 237, by adding a section.

Referred to the Committee on Commerce.

Messrs. Strand, Penny, Nichols and Hughes introduced—

S. F. No. 1241: A bill for an act relating to education; higher education coordinating board; student financial aid; classifying applicants' financial aid information as private data on individuals; amending Minnesota Statutes 1976, Chapter 136A, by adding a section.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Schaaf, Johnson, Sieloff and Engler introduced—

S. F. No. 1242: A bill for an act relating to taxation; providing an alternative tax on liquor in metric containers; authorizing commissioner of revenue to order metric conversion; increasing bonding requirements; defining certain responsibilities of commissioners of public safety and revenue; amending Minnesota Statutes 1976, Sections 299A.02, Subdivision 1; 340.44; 340.47, by adding subdivisions; 340.485, Subdivisions 1 and 2; 340.51; 340.54, Subdivision 1; and 340.55.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schaaf, Luther, Merriam, Benedict and Mrs. Brataas introduced—

S. F. No. 1243: A bill for an act relating to commerce; regulating mobile home lot payments; prohibiting entrance fees; specifying required notice for termination of tenancies; amending Minnesota Statutes 1976, Sections 327.43, Subdivision 1; and 327.44.

Referred to the Committee on Judiciary.

Messrs. Benedict, Schaaf, Tennessen, Vega and Borden introduced—

S. F. No. 1244: A bill for an act relating to crimes; authorizing

the court to require a convicted defendant to make restitution as a condition of a stay of imposition or execution of sentence; amending Minnesota Statutes 1976, Section 609.135, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Knoll, Coleman, Davies, Sikorski and Ulland, J. introduced—

S. F. No. 1245: A bill for an act relating to consumer protection; regulating invention development services; prescribing contract terms and disclosures to customers; defining terms; requiring invention developers to file a bond; providing penalties.

Referred to the Committee on Commerce.

Messrs. Luther, Sikorski and Johnson introduced—

S. F. No. 1246: A bill for an act relating to commerce; creating a lien in favor of persons making prepayments for goods or services; requiring bonds; providing penalties.

Referred to the Committee on Judiciary.

Messrs. Olhoft; Keefe, S.; Schmitz; Gearty and Jensen introduced—

S. F. No. 1247: A bill for an act relating to elections; providing the time schedule for various special elections; amending Minnesota Statutes 1976, Sections 202A.62, Subdivision 2; 202A.65, Subdivision 3; and 202A.67, Subdivision 3.

Referred to the Committee on Elections.

Mrs. Staples, Messrs. Coleman, Borden, Gearty and Humphrey introduced—

S. F. No. 1248: A bill for an act relating to elections; providing for an informational pamphlet on voting methods, voter registration and constitutional amendments at the general election; appropriating money.

Referred to the Committee on Elections.

Messrs. Chenoweth, Ogdahl, Stokowski, Schaaf and Moe introduced—

S. F. No. 1249: A bill for an act relating to state employees; providing for investment options for deferred compensation; amending Minnesota Statutes 1976, Section 352.96, Subdivision 2.

Referred to the Committee on Governmental Operations.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 105, 339, 558, 560 and 817.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 242.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 105: A bill for an act relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 339: A bill for an act relating to transportation construction contracts; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 238, now on General Orders.

H. F. No. 558: A bill for an act relating to snowmobiles; providing for operation on certain highways; amending Minnesota Statutes 1976, Section 84.87, Subdivision 3.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 257, now on the Calendar.

H. F. No. 560: A bill for an act relating to motor vehicles; requiring manufacturers to make replacement parts available for certain motor vehicles.

Referred to the Committee on Commerce.

H. F. No. 817: A bill for an act relating to highway traffic regulations; weight limitations; providing that weight increases for haulers of raw and unfinished forest products shall be statewide

during certain periods; amending Minnesota Statutes 1976, Section 169.83, Subdivision 1.

Referred to the Committee on Transportation.

H. F. No. 242: A bill for an act relating to the department of public service; providing for its proper operation; prescribing certain powers, functions and duties; making certain corrections and improvements; revising procedures for regulation of certain activities; reducing certain fees; increasing certain penalties; amending Minnesota Statutes 1976, Sections 216A.02; 216A.03, Subdivision 5; 216A.05, Subdivision 1; 216A.07; 216B.16, Subdivision 2; 216B.53; 231.16; 232.04; 232.06, Subdivision 4; 237.22; 237.29, Subdivision 1; 239.02; 239.07; 239.08; 239.10; 239.12; 239.23; 239.24; and 239.44; repealing Minnesota Statutes 1976, Sections 239.20 and 239.45; and Laws 1975, Chapter 87, Section 5.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the report on S. F. No. 830 be now adopted. The motion prevailed.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 827: A bill for an act relating to the city of Duluth; authorizing the establishment and administration of a city housing finance program and expenditures for the purpose; providing for the issuance of revenue bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, strike lines 24 to 32

Page 3, strike lines 1 to 3

Page 3, line 4, strike "programs" and insert "program"

Page 3, line 5, strike "sections" and insert "section"

Page 3, line 5, after "2" strike "and 3"

Page 3, line 9, after the period, insert "The total amount of revenue bonds authorized to be issued for the purposes of this act shall not exceed \$6,000,000."

Page 3, line 12, strike "sections" and insert "section"

Page 3, line 12, after "2" strike "and 3"

Renumber the sections in sequence

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 828: A bill for an act relating to the city of Duluth; authorizing the city to acquire, construct, and maintain parking facilities and to finance same.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 830: A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

Reports the same back with the recommendation that the bill do pass. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 766: A bill for an act relating to crimes; public safety and health; dangerous weapons; short-barreled shotguns; providing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, strike "*may*" and insert "*shall*"

Page 2, line 5, strike "*not more than five*" and insert "*two*"

Page 2, line 5, strike "*or to payment of a fine of not more*" and insert a period

Page 2, strike line 6

Page 2, line 12, after "*possessing*" insert "*a*"

Page 2, line 12, strike "*shotguns*" and insert "*shotgun*"

Page 2, line 13, after the second "*as*" insert "*a*"

Page 2, line 13, strike "*items*" and insert "*item*"

Page 2, line 13, strike "*relics*" and insert "*relic*"

Page 2, line 14, strike "*pieces*" and insert "*piece*"

Page 2, line 14, strike "*objects*" and insert "*an object*"

Page 2, line 19, strike "*, showing his or her*" and insert "*. The report shall set forth the*"

Page 2, line 20, after "*address*" insert "*of the reporter*"

Page 2, line 20, after the first semicolon insert "*his or her*"

Page 2, line 24, after "to" insert "own or"

Page 2, line 24, strike "if" and insert "is"

Page 2, line 25, strike "such" and insert "any"

Page 2, line 26, after "bureau" insert "of criminal apprehension"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 295: A bill for an act relating to taxation; exempting newsprint and ink from the sales tax; amending Minnesota Statutes 1976, Section 297A.14 and 297A.25, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1034: A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 384 for comparison to its companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
384	393				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 166 for comparison to its companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
166	733				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 166 be amended as follows:

Page 2, line 2, underscore the colon

Page 2, line 5, after "*week*" insert a new comma

And when so amended, H. F. No. 166 will be identical to S. F. No. 733 and further recommends that H. F. No. 166 be given its second reading and substituted for S. F. No. 733 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 Committee on Rules and Administration, to which was referred

H. F. No. 681 for comparison to its companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
681	555				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 681 be amended as follows:

Page 1, line 12, after "*guarantor*" insert a new comma and after "*both*" insert a new comma

And when so amended, H. F. No. 681 will be identical to S. F. No. 555 and further recommends that H. F. No. 681 be given its second reading and substituted for S. F. No. 555 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 Committee on Rules and Administration, to which was referred

H. F. No. 661 for comparison to companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		661	568		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 1072, 673, 586, 389, 831, 159, 916, 686, 125, 116.

274, 506, 785, 102, 477, 845, 368, 537, 536, 541, 443 and H. F. Nos. 437, 300 and 334, makes the following report:

That S. F. Nos. 1072, 673, 586, 389, 831, 159, 916, 686, 125, 116, 274, 506, 785, 102, 477, 845, 368, 537, 536, 541, 443, and H. F. Nos. 437, 300 and 334 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 827 and 828 were read the second time.

S. F. Nos. 766 and 295 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 384, 166, 681 and 661 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Milton moved that the name of Mr. Keefe, S. be added as co-author to S. F. No. 1108. The motion prevailed.

Mr. Borden moved that the name of Mr. Vega be added as co-author to S. F. No. 1172. The motion prevailed.

Mr. Penny moved that the name of Mr. Olhoft be added as co-author to S. F. No. 1177. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Olhoft and Willet be added as co-authors to S. F. No. 1180. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1182. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Olhoft be added as co-author to S. F. No. 1183. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1184. The motion prevailed.

Mr. Davies moved that the name of Mr. Vega be added as co-author to S. F. No. 1187. The motion prevailed.

Mr. Davies moved that the names of Messrs. Olhoft and Vega be added as co-authors to S. F. No. 1189. The motion prevailed.

Mr. Wegener moved that the name of Mr. Olhoft be added as co-author to S. F. No. 1197. The motion prevailed.

Mr. Stokowski moved that H. F. No. 307 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Rules and Administration for comparison to S. F. No. 159, now on General Orders. The motion prevailed.

Mr. Tennessen moved that the name of Mr. Vega be added as co-author to S. F. No. 1199. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 465: A bill for an act relating to transportation; prohibiting motorcyclists with instruction permits from driving on interstate highways; amending Minnesota Statutes 1976, Section 169.974, 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 1, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Penny	Spear
Ashbach	Frederick	Knutson	Perpich	Staples
Bang	Gearty	Laufenburger	Peterson	Stokowski
Benedict	Gunderson	Lessard	Purfeerst	Strand
Bernhagen	Hanson	Lewis	Renneke	Stumpf
Borden	Hughes	Luther	Schaaf	Tennessee
Brataas	Humphrey	McCutcheon	Schmitz	Ueland, A.
Chenoweth	Jensen	Menning	Schrom	Ulland, J.
Chmielewski	Johnson	Milton	Setzepfandt	Vega
Coleman	Keefe, J.	Moe	Sieloff	Wegener
Davies	Keefe, S.	Nelson	Sikorski	Willet
Dieterich	Kirchner	Olhoft	Sillers	
Dunn	Kleinbaum	Olson	Solon	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 335: A bill for an act relating to elections; providing for judges of election to serve under certain conditions; amending Minnesota Statutes 1976, Sections 207.02; and 204A.17, 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 1, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Penny	Spear
Ashbach	Frederick	Laufenburger	Perpich	Staples
Bang	Gearty	Lessard	Peterson	Stokowski
Benedict	Gunderson	Lewis	Purfeerst	Strand
Bernhagen	Hanson	Luther	Renneke	Stumpf
Borden	Hughes	McCutcheon	Schaaf	Tennessee
Brataas	Humphrey	Menning	Schmitz	Ueland, A.
Chenoweth	Jensen	Merriam	Schrom	Ulland, J.
Chmielewski	Johnson	Milton	Setzepfandt	Vega
Coleman	Keefe, J.	Moe	Sieloff	Wegener
Davies	Keefe, S.	Nelson	Sikorski	Willet
Dieterich	Kirchner	Olhoft	Sillers	
Dunn	Kleinbaum	Olson	Solon	

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 223: A bill for an act relating to deaf persons; providing that deaf persons with guide dogs have the same rights and protection as blind persons with guide dogs; defining as a deductible medical expense the cost, feeding and maintenance expenses of guide dogs; amending Minnesota Statutes 1976, Sections 256C.02; 256C.025, Subdivision 4; 256C.03; 290.09, Subdivision 10; and 327.095.

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	Olson	Spear
Ashbach	Gearty	Laufenburger	Penny	Staples
Bang	Gunderson	Lessard	Perpich	Stokowski
Benedict	Hanson	Lewis	Peterson	Strand
Bernhagen	Hughes	Luther	Purfeerst	Stumpf
Borden	Humphrey	McCutcheon	Renneke	Tennessee
Brataas	Jensen	Menning	Schaaf	Ueland, A.
Chenoweth	Johnson	Merriam	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Milton	Schrom	Vega
Davies	Keefe, S.	Moe	Setzepfandt	Wegener
Dieterich	Kirchner	Nelson	Sikorski	Willett
Dunn	Kleinbaum	Nichols	Sillers	
Engler	Knoll	Olhoft	Solon	

So the bill passed and its title was agreed to.

S. F. No. 108: A bill for an act relating to highway traffic regulations; specifying minimum property damage accident report requirements; amending Minnesota Statutes 1976, Section 169.09, Subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Penny	Staples
Ashbach	Frederick	Laufenburger	Perpich	Stokowski
Bang	Gearty	Lessard	Peterson	Strand
Benedict	Gunderson	Lewis	Purfeerst	Stumpf
Bernhagen	Hanson	Luther	Renneke	Tennessee
Borden	Hughes	Menning	Schaaf	Ueland, A.
Brataas	Humphrey	Merriam	Schrom	Ulland, J.
Chenoweth	Jensen	Milton	Setzepfandt	Vega
Chmielewski	Johnson	Moe	Sieloff	Wegener
Coleman	Keefe, J.	Nelson	Sikorski	Willett
Davies	Keefe, S.	Nichols	Sillers	
Dieterich	Kirchner	Olhoft	Solon	
Dunn	Kleinbaum	Olson	Spear	

Messrs. Knutson, McCutcheon and Schmitz voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 213: A bill for an act relating to the city of Minneapolis; relating to elections; allowing regulation of campaign financing solely by local ordinance which contains at least the requirements of Minnesota Statutes, Chapter 10A; providing for referral of violations to the county attorney; providing penalties.

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Penny	Staples
Ashbach	Gearty	Laufenburger	Perpich	Stokowski
Bang	Gunderson	Lessard	Peterson	Strand
Benedict	Hanson	Lewis	Purfeerst	Stumpf
Bernhagen	Hughes	Luther	Renneke	Tennessee
Borden	Humphrey	Menning	Schaaf	Ueland, A.
Brataas	Jensen	Merriam	Schmitz	Ulland, J.
Chenoweth	Johnson	Milton	Schrom	Vega
Chmielewski	Keefe, J.	Moe	Setzepfandt	Wegener
Coleman	Keefe, S.	Nelson	Sieloff	Willet
Dieterich	Kirchner	Nichols	Sillers	
Dunn	Kleinbaum	Olhoft	Solon	
Engler	Knoll	Olson	Spear	

Messrs. Davies and McCutcheon voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 292: A bill for an act relating to taxation; altering standard for determining eligibility for income tax credit given deaf persons; amending Minnesota Statutes 1976, Section 290.06, Subdivision 3c.

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 48 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	McCutcheon	Perpich	Strand
Benedict	Hughes	Menning	Peterson	Stumpf
Bernhagen	Humphrey	Merriam	Purfeerst	Tennessee
Chenoweth	Johnson	Milton	Renneke	Ueland, A.
Chmielewski	Keefe, J.	Moe	Schmitz	Ulland, J.
Davies	Kirchner	Nelson	Setzepfandt	Vega
Dieterich	Kleinbaum	Nichols	Sikorski	Wegener
Dunn	Laufenburger	Olhoft	Solon	Willet
Engler	Lessard	Olson	Staples	
Gearty	Lewis	Penny	Stokowski	

Those who voted in the negative were:

Ashbach	Frederick	Keefe, S.	Schaaf	Sillers
Borden	Gunderson	Knutson	Schrom	Spear
Brataas	Jensen	Luther	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 217: A bill for an act relating to veterans; clarifying the definition of "veteran" for purposes of the purchase of tax-forfeited land; limiting the right to purchase; amending Minnesota Statutes 1976, Section 282.031; repealing Laws 1973, Chapter 700, Section 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olson	Solon
Ashbach	Frederick	Laufenburger	Penny	Spear
Bang	Gearty	Lessard	Perpich	Staples
Benedict	Gunderson	Lewis	Peterson	Stokowski
Bernhagen	Hanson	Luther	Purfeerst	Strand
Borden	Hughes	McCutcheon	Renneke	Stumpf
Brataas	Humphrey	Menning	Schaaf	Tennessee
Chenoweth	Jensen	Merriam	Schmitz	Ueland, A.
Chmielewski	Johnson	Milton	Schrom	Ulland, J.
Coleman	Keefe, J.	Moe	Setzepfandt	Vega
Davies	Keefe, S.	Nelson	Sieloff	Wegener
Dieterich	Kirchner	Nichols	Sikorski	Willet
Dunn	Kleinbaum	Olhoft	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 270: A bill for an act relating to motor vehicles; increasing gross weight limitations on interstate highways and routes designated by the commissioner of transportation; increasing truck registration taxes on heaviest trucks; establishing procedures for route designation and undesignation; requiring weight enforcement reports by county sheriffs; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1c, 1e and 12; 169.79; 169.83, Subdivisions 1 and 2; 169.85; 169.86, by adding a subdivision; and Chapter 169, by adding sections.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lewis	Peterson	Stokowski
Ashbach	Gearty	Menning	Purfeerst	Strand
Bang	Gunderson	Merriam	Renneke	Stumpf
Benedict	Hanson	Milton	Schaaf	Ueland, A.
Bernhagen	Humphrey	Moe	Schmitz	Vega
Borden	Johnson	Nichols	Schrom	Wegener
Brataas	Kirchner	Olhoft	Setzepfandt	Willet
Chmielewski	Knutson	Olson	Sieloff	
Dunn	Laufenburger	Penny	Sikorski	
Engler	Lessard	Perpich	Sillers	

Those who voted in the negative were:

Chenoweth	Hughes	Kleinbaum	Nelson	Tennessee
Coleman	Jensen	Knoll	Solon	Ulland, J.
Davies	Keefe, J.	Luther	Spear	
Dieterich	Keefe, S.	McCutcheon	Staples	

So the bill passed and its title was agreed to.

S. F. No. 141: A bill for an act relating to highway traffic regulations; defining "radar detection device"; prohibiting operation of a motor vehicle with a radar detection device in the passenger compartment; prohibiting sale or distribution of radar detection devices; prescribing penalties; amending Minnesota Statutes 1976, Chapter 169, 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 37 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Gerty	Laufenburger	Perpich	Strand
Borden	Hanson	McCutcheon	Purfeerst	Stumpf
Brataas	Hughes	Milton	Schaaf	Tennessee
Chenoweth	Humphrey	Nelson	Schmitz	Ulland, J.
Coleman	Johnson	Nichols	Setzepfandt	Willet
Davies	Keefe, S.	Olhoft	Sikorski	
Dieterich	Kirchner	Olson	Sillers	
Dunn	Knoll	Penny	Stokowski	

Those who voted in the negative were:

Ashbach	Frederick	Lessard	Peterson	Staples
Bang	Gunderson	Lewis	Renneke	Ueland, A.
Benedict	Jensen	Luther	Schrom	Vega
Bernhagen	Keefe, J.	Menning	Sieloff	Wegener
Chmielewski	Kleinbaum	Merriam	Solon	
Engler	Knutson	Moe	Spear	

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 57: A bill for an act relating to health and safety; licensing and certification of ambulance services; amending Minnesota Statutes 1976, Chapter 144, by adding a section; Sections 144.801; 144.802; 144.803; 144.804; and 144.805.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Chmielewski	Engler	Hanson
Ashbach	Borden	Coleman	Frederick	Hughes
Bang	Brataas	Davies	Gerty	Humphrey
Benedict	Chenoweth	Dieterich	Gunderson	Jensen

Johnson	Lewis	Olhoff	Schrom	Strand
Keefe, J.	Luther	Olson	Setzepfandt	Stumpf
Keefe, S.	McCutcheon	Penny	Sieloff	Tennessee
Kirchner	Menning	Perpich	Sikorski	Ueland, A.
Kleinbaum	Merriam	Peterson	Sillers	Ulland, J.
Knoll	Milton	Purfeerst	Solon	Vega
Knutson	Moe	Renneke	Spear	Wegener
Laufenburger	Nelson	Schaaf	Staples	Willet
Lessard	Nichols	Schmitz	Stokowski	

Mr. Dunn voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 262: A bill for an act relating to veterans; commissioner of veterans affairs; changing residency requirements for the commissioner, certain officers and employees of the department of veterans affairs, and veterans service officers; amending Minnesota Statutes 1976, Sections 196.02, Subdivision 1; and 197.601.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Olhoff	Sillers
Ashbach	Frederick	Knutson	Olson	Solon
Bang	Gearty	Laufenburger	Penny	Spear
Benedict	Gunderson	Lessard	Perpich	Staples
Bernhagen	Hanson	Lewis	Peterson	Stokowski
Borden	Hughes	Luther	Purfeerst	Strand
Brataas	Humphrey	McCutcheon	Renneke	Stumpf
Chenoweth	Jensen	Menning	Schaaf	Tennessee
Chmielewski	Johnson	Merriam	Schmitz	Ueland, A.
Coleman	Keefe, J.	Milton	Schrom	Ulland, J.
Davies	Keefe, S.	Moe	Setzepfandt	Vega
Dieterich	Kirchner	Nelson	Sieloff	Wegener
Dunn	Kleinbaum	Nichols	Sikorski	Willet

So the bill passed and its title was agreed to.

H. F. No. 301: A bill for an act relating to veterans; redefining the word "veteran" for certain purposes; amending Minnesota Statutes 1976, Section 197.447.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Gearty	Keefe, J.	Lessard
Bang	Coleman	Gunderson	Keefe, S.	Lewis
Benedict	Davies	Hanson	Kirchner	Luther
Bernhagen	Dieterich	Hughes	Kleinbaum	McCutcheon
Borden	Dunn	Humphrey	Knoll	Menning
Brataas	Engler	Jensen	Knutson	Merriam
Chenoweth	Frederick	Johnson	Laufenburger	Milton

Moe	Perpich	Schrom	Spear	Ueland, A.
Nelson	Peterson	Setzepfandt	Staples	Ulland, J.
Nichols	Purfeerst	Sieloff	Stokowski	Vega
Olhoft	Renneke	Sikorski	Strand	Wegener
Olson	Schaaf	Sillers	Stumpf	Willet
Penny	Schmitz	Solon	Tennessee	

So the bill passed and its title was agreed to.

H. F. No. 168: A bill for an act relating to Yellow Medicine county; authorizing participation in a mental health services program outside its region.

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:

Ashbach	Frederick	Knutson	Penny	Spear
Bang	Gearty	Laufenburger	Perpich	Staples
Benedict	Gunderson	Lessard	Peterson	Stokowski
Bernhagen	Hanson	Lewis	Purfeerst	Strand
Borden	Hughes	Luther	Renneke	Stumpf
Brataas	Humphrey	McCutcheon	Schaaf	Tennessee
Chenoweth	Jensen	Menning	Schmitz	Ueland, A.
Chmielewski	Johnson	Merriam	Schrom	Ulland, J.
Coleman	Keefe, J.	Moe	Setzepfandt	Vega
Davies	Keefe, S.	Nelson	Sieloff	Wegener
Dieterich	Kirchner	Nichols	Sikorski	Willet
Dunn	Kleinbaum	Olhoft	Sillers	
Engler	Knoll	Olson	Solon	

So the bill passed and its title was agreed to.

H. F. No. 235: A bill for an act relating to agriculture; soybean research and promotion council; powers of the commissioner of agriculture and the council; providing for an increase in fees and specifying the uses thereof; amending Minnesota Statutes 1976, Sections 21A.01; 21A.05; 21A.06; 21A.09; 21A.12; 21A.16, Subdivision 2; 21A.19, Subdivision 1; and Chapter 21A, by adding a section; repealing Minnesota Statutes 1976, Section 21A.18.

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 6, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olhoft	Solon
Ashbach	Gearty	Laufenburger	Olson	Staples
Bang	Gunderson	Lessard	Penny	Stokowski
Benedict	Hanson	Lewis	Peterson	Strand
Bernhagen	Hughes	Luther	Purfeerst	Stumpf
Borden	Humphrey	McCutcheon	Renneke	Ueland, A.
Brataas	Jensen	Menning	Schmitz	Ulland, J.
Chenoweth	Johnson	Merriam	Schrom	Vega
Chmielewski	Keefe, J.	Milton	Setzepfandt	Wegener
Davies	Kirchner	Moe	Sieloff	Willet
Dunn	Kleinbaum	Nelson	Sikorski	
Engler	Knoll	Nichols	Sillers	

Those who voted in the negative were:

Dieterich	Perpich	Schaaf	Spear	Tennessee
Keefe, S.				

So the bill passed and its title was agreed to.

H. F. No. 82: A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; amending Minnesota Statutes 1976, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; and 609.615.

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 37 and nays 27, as follows:

Those who voted in the affirmative were:

Benedict	Hughes	Lewis	Olhoff	Strand
Borden	Humphrey	Luther	Perpich	Stumpf
Chenoweth	Johnson	McCutcheon	Purfeerst	Tennessee
Chmielewski	Keefe, J.	Menning	Schaaf	Ulland, J.
Coleman	Keefe, S.	Merriam	Sikorski	Willet
Davies	Kleinbaum	Milton	Spear	
Dieterich	Knoll	Moe	Staples	
Gearty	Laufenburger	Nichols	Stokowski	

Those who voted in the negative were:

Anderson	Frederick	Lessard	Schmitz	Ueland, A.
Bang	Gunderson	Nelson	Schrom	Vega
Bernhagen	Hanson	Olson	Setzefandt	Wegener
Brataas	Jensen	Penny	Sieloff	
Dunn	Kirchner	Peterson	Sillers	
Engler	Knutson	Renneke	Solon	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 742: A bill for an act relating to the White Bear Lake conservation district; increasing membership on its governing board; providing for selection of board officers; amending Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Borden	Davies	Gearty	Jensen
Ashbach	Brataas	Dieterich	Gunderson	Johnson
Bang	Chenoweth	Dunn	Hanson	Keefe, J.
Benedict	Chmielewski	Engler	Hughes	Keefe, S.
Bernhagen	Coleman	Frederick	Humphrey	Kirchner

Kleinbaum	Milton	Peterson	Sikorski	Tennessee
Knutson	Moe	Purfeerst	Sillers	Ueland, A.
Laufenburger	Nelson	Renneke	Solon	Ulland, J.
Lessard	Nichols	Schaaf	Spear	Vega
Luther	Olhoff	Schmitz	Staples	Willet
McCutcheon	Olson	Schrom	Stokowski	
Menning	Penny	Setzepfandt	Strand	
Merriam	Perpich	Sieloff	Stumpf	

So the bill passed and its title was agreed to.

S. F. No. 855: A bill for an act relating to St. Louis county; providing for the automobile expenses of county commissioners; amending Laws 1959, Chapter 301, Section 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 52 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Knutson	Purfeerst	Stokowski
Bang	Gunderson	Laufenburger	Renneke	Strand
Benedict	Hanson	Luther	Schmitz	Stumpf
Bernhagen	Hughes	Menning	Schrom	Tennessee
Borden	Humphrey	Merriam	Setzepfandt	Ueland, A.
Chenoweth	Jensen	Milton	Sieloff	Ulland, J.
Chmielewski	Johnson	Moe	Sikorski	Vega
Coleman	Keefe, J.	Nichols	Sillers	Willet
Dieterich	Keefe, S.	Olson	Solon	
Engler	Kirchner	Penny	Spear	
Frederick	Kleinbaum	Peterson	Staples	

Those who voted in the negative were:

Anderson	Dunn	Nelson	Perpich	Schaaf
Davies	McCutcheon	Olhoff		

So the bill passed and its title was agreed to.

S. F. No. 1017: A bill for an act relating to the town of Bass Brook; authorizing the town board to exercise the powers described in Minnesota Statutes, Section 368.01 and Chapters 412, 429, 474 and 475.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Coleman	Hughes	Knutson	Nelson
Bang	Davies	Jensen	Laufenburger	Nichols
Benedict	Dieterich	Johnson	Lessard	Olson
Bernhagen	Engler	Keefe, J.	Luther	Penny
Borden	Frederick	Keefe, S.	Menning	Perpich
Brataas	Gearty	Kirchner	Merriam	Peterson
Chenoweth	Gunderson	Kleinbaum	Milton	Purfeerst
Chmielewski	Hanson	Knoll	Moe	Renneke

Schaaf	Sieloff	Spear	Stumpf	Vega
Schmitz	Sikorski	Staples	Tennessee	Wegener
Schrom	Sillers	Stokowski	Ueland, A.	Willet
Setzepfandt	Solon	Strand	Ulland, J.	

Messrs. Anderson, Dunn and Olhoft voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 709: A bill for an act relating to the Hennepin county municipal court; clarifying fee exclusions for governmental units; amending Minnesota Statutes 1976, Section 488A.03, Subdivision 11a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olson	Solon
Ashbach	Frederick	Laufenburger	Penny	Spear
Bang	Gearty	Lessard	Perpich	Staples
Benedict	Gunderson	Lewis	Peterson	Stokowski
Bernhagen	Hanson	Luther	Purfeerst	Strand
Borden	Hughes	McCutcheon	Renneke	Stumpf
Brataas	Humphrey	Menning	Schaaf	Tennessee
Chenoweth	Jensen	Merriam	Schmitz	Ueland, A.
Chmielewski	Johnson	Milton	Schrom	Ulland, J.
Coleman	Keefe, J.	Moe	Setzepfandt	Vega
Davies	Keefe, S.	Nelson	Sieloff	Wegener
Dieterich	Kirchner	Nichols	Sikorski	Willet
Dunn	Kleinbaum	Olhoft	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 718: A bill for an act relating to courts; jurors; ballots for selection; authorizing an alternative method of identification of jurors; amending Minnesota Statutes 1976, Section 593.07.

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	Engler	Knoll	Penny	Spear
Ashbach	Frederick	Knutson	Perpich	Staples
Bang	Gearty	Laufenburger	Peterson	Stokowski
Benedict	Gunderson	Lessard	Purfeerst	Strand
Bernhagen	Hanson	Lewis	Renneke	Stumpf
Borden	Hughes	Luther	Schaaf	Tennessee
Brataas	Humphrey	McCutcheon	Schmitz	Ueland, A.
Chenoweth	Jensen	Menning	Schrom	Ulland, J.
Chmielewski	Johnson	Merriam	Setzepfandt	Vega
Coleman	Keefe, J.	Nelson	Sieloff	Wegener
Davies	Keefe, S.	Nichols	Sikorski	Willet
Dieterich	Kirchner	Olhoft	Sillers	
Dunn	Kleinbaum	Olson	Solon	

So the bill passed and its title was agreed to.

S. F. No. 719: A bill for an act relating to courts; repealing the law that requires court clerks to make costs and disbursements reports to the county attorney in criminal cases; repealing Minnesota Statutes 1976, Section 485.09.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Olson	Solon
Ashbach	Frederick	Knutson	Penny	Spear
Bang	Gearty	Laufenburger	Perpich	Staples
Benedict	Gunderson	Lessard	Peterson	Stokowski
Bernhagen	Hanson	Lewis	Purfeerst	Strand
Borden	Hughes	Luther	Renneke	Stumpf
Brataas	Humphrey	McCutcheon	Schaaf	Tennessee
Chenoweth	Jensen	Menning	Schmitz	Ueland, A.
Chmielewski	Johnson	Merriam	Schrom	Ulland, J.
Coleman	Keefe, J.	Moe	Setzepfandt	Vega
Davies	Keefe, S.	Nelson	Sieloff	Wegener
Dieterich	Kirchner	Nichols	Sikorski	Willet
Dunn	Kleinbaum	Othoft	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 720: A bill for act relating to fees; repealing the filing fee in certain juvenile court proceedings; repealing Minnesota Statutes 1976, Section 260.106, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Olson	Solon
Ashbach	Frederick	Knutson	Penny	Spear
Bang	Gearty	Laufenburger	Perpich	Staples
Benedict	Gunderson	Lessard	Peterson	Stokowski
Bernhagen	Hanson	Lewis	Purfeerst	Strand
Borden	Hughes	Luther	Renneke	Stumpf
Brataas	Humphrey	McCutcheon	Schaaf	Tennessee
Chenoweth	Jensen	Menning	Schmitz	Ueland, A.
Chmielewski	Johnson	Merriam	Schrom	Ulland, J.
Coleman	Keefe, J.	Moe	Setzepfandt	Vega
Davies	Keefe, S.	Nelson	Sieloff	Wegener
Dieterich	Kirchner	Nichols	Sikorski	Willet
Dunn	Kleinbaum	Othoft	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 721: A bill for act relating to veterinarians; license filing fee; amending Minnesota Statutes 1976, Section 156.09.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kleinbaum	Olhoff	Sillers
Ashbach	Engler	Knutson	Olson	Solon
Bang	Gearty	Laufenburger	Penny	Spear
Benedict	Gunderson	Lessard	Perpich	Staples
Bernhagen	Hanson	Lewis	Peterson	Stokowski
Borden	Hughes	Luther	Purfeerst	Strand
Brataas	Humphrey	McCutcheon	Renneke	Stumpf
Chenoweth	Jensen	Menning	Schaaf	Tennessee
Chmielewski	Johnson	Merriam	Schmitz	Ulland, J.
Coleman	Keefe, J.	Moe	Schrom	Vega
Davies	Keefe, S.	Nelson	Sieloff	Wegener
Dieterich	Kirchner	Nichols	Sikorski	Willet

So the bill passed and its title was agreed to.

S. F. No. 722: A bill for act relating to courts; providing that petit jurors in probate court be selected in the same manner as petit jurors are selected in district court; amending Minnesota Statutes 1976, Section 525.013, by adding a subdivision; repealing Minnesota Statutes 1976, Section 525.013, Subdivisions 2 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Perpich	Staples
Ashbach	Gearty	Laufenburger	Peterson	Stokowski
Bang	Gunderson	Lessard	Purfeerst	Strand
Benedict	Hanson	Lewis	Renneke	Stumpf
Bernhagen	Hughes	Luther	Schaaf	Tennessee
Borden	Humphrey	McCutcheon	Schmitz	Ulland, J.
Brataas	Jensen	Menning	Schrom	Ulland, J.
Chenoweth	Johnson	Merriam	Setzepfandt	Vega
Chmielewski	Keefe, J.	Moe	Sieloff	Wegener
Davies	Keefe, S.	Nelson	Sikorski	Willet
Dieterich	Kirchner	Nichols	Sillers	
Dunn	Kleinbaum	Olson	Solon	
Engler	Knoll	Penny	Spear	

So the bill passed and its title was agreed to.

S. F. No. 860: A bill for an act relating to courts; county court districts; judges; prescribing the areas where the county court judges of St. Louis county shall reside, serve in, and be elected from; amending Minnesota Statutes 1976, Section 487.01, Subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Perpich	Staples
Ashbach	Gunderson	Lessard	Peterson	Stokowski
Bang	Hanson	Lewis	Purfeerst	Strand
Benedict	Hughes	Luther	Renneke	Stumpf
Bernhagen	Humphrey	McCutcheon	Schaaf	Tennessee
Brataas	Jensen	Menning	Schmitz	Ueland, A.
Chenoweth	Johnson	Merriam	Schrom	Ulland, J.
Chmielewski	Keefe, J.	Moe	Setzepfandt	Vega
Davies	Keefe, S.	Nelson	Sieloff	Wegener
Dieterich	Kirchner	Nichols	Sikorski	Willet
Dunn	Kleinbaum	Olhoft	Sillers	
Engler	Knoll	Olson	Solon	
Frederick	Knutson	Penny	Spear	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. No. 13 and H. F. Nos. 231 and 291 which the committee recommends to pass.

S. F. No. 18, which the committee recommends be returned to the Committee on Elections.

S. F. No. 345, which the committee recommends to pass with the following amendment offered by Mr. Anderson:

Page 2, after line 2, insert:

"Sec. 3. This act is effective the day following final enactment."

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 7:30 o'clock p.m., Wednesday, April 13, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 13, 1977

The Senate met at 7:30 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Benedict	Gearty	Laufenburger	Milton	Schmitz
Borden	Hughes	Lessard	Nelson	Schrom
Brataas	Johnson	Lewis	Olhoff	Sikorski
Chmielewski	Keefe, S.	Luther	Penny	Tennessee
Coleman	Kleinbaum	McCutcheon	Perpich	Ulland, J.
Davies	Knoll	Menning	Purfeerst	Vega
Dunn	Knutson	Merriam	Schaaf	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rabbi Mordacai Miller.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Lessard	Perpich	Staples
Ashbach	Gearty	Lewis	Peterson	Stokowski
Bang	Gunderson	Luther	Pillsbury	Strand
Benedict	Hanson	McCutcheon	Purfeerst	Stumpf
Bernhagen	Hughes	Menning	Renneke	Tennessee
Borden	Jensen	Merriam	Schaaf	Ulland, A.
Brataas	Johnson	Milton	Schmitz	Ulland, J.
Chenoweth	Keefe, J.	Moe	Schrom	Vega
Chmielewski	Keefe, S.	Nelson	Setzepfandt	Wegener
Coleman	Kirchner	Nichols	Sieloff	Willet
Davies	Kleinbaum	Ogdahl	Sikorski	
Dieterich	Knoll	Olhoff	Sillers	
Dunn	Knutson	Olson	Solon	
Engler	Laufenburger	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. Humphrey was excused from this evening's Session. Mr. Laufenburger was excused from this evening's Session at 9:30 o'clock p.m. Messrs. Milton, Purfeerst and Schrom were excused from this evening's Session at 10:00 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 7, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Soil and Water Conservation Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Thomas R. Schulz, Route 1, Box 140, Sebeka, Wadena County, has been appointed by me, effective March 22, 1977 for an indeterminate term.

Referred to the Committee on Agriculture and Natural Resources.

April 7, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Department of Commerce, Commissioner of Insurance is hereby respectfully submitted to the Senate for confirmation as required by law:

Berton W. Heaton, 838-22nd Avenue North, South St. Paul, Dakota County, has been appointed by me, effective January 1, 1977 for a term expiring the first Monday in January, 1983.

Referred to the Committee on Commerce.

April 12, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 74 and 86.

Sincerely,
Rudy Perpich, Governor

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed by the Secretary of the Senate: Department of Public Safety, Biennial Report, 1974-76; Minnesota-Wisconsin Boundary Area Commission, Biennial Report, 1975-76; Minnesota Energy Agency, Energy Conservation in Room Air-Conditioners; Minnesota Higher Educa-

tion Coordinating Board, Development of Health Maintenance Organizations; Minnesota Energy Agency, Energy Conservation Report, Standing Pilot Lights, 1977; State Planning Agency, Biennial Report, 1976-77; Minnesota Housing Finance Agency, Biennial Report, 1977-79; Southeastern Minnesota Regional Development Commission, Organizing the Regional Community, 1976; Minnesota State Arts Board, Annual Report, 1976; State Planning Agency, Guide for Human Services, Reorganization of Delivery of State and Local Human Services; Commissioner of Administration, Regional Service Center, Bemidji, Minnesota; Department of Administration, Sale and Disposition of Surplus State Lands; Department of Administration, Interim Progress Report on the Energy Conservation Survey for Existing State-owned Facilities; Minnesota Family Farm Advisory Council, Recommendations to Promote Family Farms; Department of Public Safety, Liquor Control Division; Department of Corrections, Summary Report, Past Effort 1970-77, Future Directions 1978-81; Department of Finance, Financial Report, June 30, 1975 through June 30, 1976; Crime Victims Reparations Board, First Biennial Report, 1974-76; Joint Legislative Commission on Review of Administrative Rules, Biennial Report, 1975-76; Department of Health, Medical Malpractice Claims of Health Facilities in Minnesota; Commissioner of Agriculture, Report on Family Farm Security Act; Pollution Control Agency, Abandoned Motor Vehicle, Motor Vehicle Waste Program; Prevention of Cruelty to Animals, Expenditures for Public Information Programs; Commissioner of Public Safety, Alternative Methods for Registration of Motor Vehicles; Commissioner of Public Safety, Problems Related to the Operation of Bicycles on Public Roads and Ways; Commissioner of Public Welfare, Use of Fergus Falls State Hospital; State Court Administrator; Board of Licensed Practical Nursing; Board of Medical Examiners, Student Loans; Pollution Control Agency, Air and Solid Waste Pollution, Biennial Report; Pollution Control Agency, Solid Waste Generation, Biennial Report; Commissioner of Public Welfare, Biennial Report; Commissioner of Public Welfare, Cost of Living Report; University of Minnesota, Long-Range Plans for Expansion of Facilities; Board of Watchmakers, 1976; Board of Veterinary Medicine, 1976; Commissioner of Finance, Actions of Legislative Advisory Commission; Governor Rudy Perpich, State of the State Address, 1977; Governor Rudy Perpich, Budget Message, 1977; Higher Education Coordinating Board, Shortage of Doctors of Optometry and Osteopathy.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Olhoff, Peterson, Moe, Hanson and Sillers introduced—

S. F. No. 1250: A bill for an act relating to regional develop-

ment; mental health services; establishing a hospital policy board for Fergus Falls state hospital; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Knutson introduced—

S. F. No. 1251: A bill for an act relating to commitment and discharge of inebriate persons; length of commitment for inebriates; amending Minnesota Statutes 1976, Section 253A.07, Subdivisions 17 and 30.

Referred to the Committee on Judiciary.

Mr. Anderson introduced—

S. F. No. 1252: A bill for an act relating to claims against the state; altering conditions for waiver of immunity from suit by the Rum River Lumber Company; appropriating money; amending Laws 1975, Chapter 158, Section 4.

Referred to the Committee on Judiciary.

Mr. Milton introduced—

S. F. No. 1253: A bill for an act relating to retirement; annuity computation for certain public employees retirement annuitants.

Referred to the Committee on Governmental Operations.

Mr. Nichols introduced—

S. F. No. 1254: A bill for an act relating to taxes; providing for the property tax classification of large agricultural land holdings; amending Minnesota Statutes 1976, Section 273.13, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Milton and Kleinbaum introduced—

S. F. No. 1255: A bill for an act relating to agriculture; establishing a hydroponic research program; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Sikorski, Nelson and Chenoweth introduced—

S. F. No. 1256: A bill for an act relating to retirement; exemption from mandatory retirement for certain state employees; amending Minnesota Statutes 1976, Section 43.051, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Davies introduced—

S. F. No. 1257: A bill for an act relating to health care expenses; third party reimbursement of certain claims; requiring settlement within specified periods; prescribing civil penalties; amending Minnesota Statutes 1976, Sections 62A.04, Subdivision 2; 62C.14, by adding a subdivision; and Chapter 72A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Davies, Knoll, Dieterich and Sieloff introduced—

S. F. No. 1258: A bill for an act relating to the uniform commercial code; providing for the appropriation of the proceeds of bulk transfers; providing for the payment of creditors; amending Minnesota Statutes 1976, Sections 336.6-107; 336.6-108; and 336.6-109; and Chapter 336 by adding a section.

Referred to the Committee on Judiciary.

Messrs. Hughes; Keefe, J. and Wegener introduced—

S. F. No. 1259: A bill for an act relating to taxation; changing definition of special levies for provisions limiting levies of governmental subdivisions; amending Minnesota Statutes 1976, Section 275.50, Subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear; Borden; Perpich; Keefe, S. and Sillers introduced—

S. F. No. 1260: A bill for an act relating to appropriations; providing funds for a statutory Indian business assistance program.

Referred to the Committee on Finance.

Messrs. Johnson and Olhoft introduced—

S. F. No. 1261: A bill for an act relating to public utilities; expiration, renewal, and transfer of telephone company certificates of authority; repealing Minnesota Statutes 1976, Section 237.16, Subdivisions 5 and 6.

Referred to the Committee on Commerce.

Mr. Engler introduced—

S. F. No. 1262: A bill for an act relating to the city of Lakeville; authorizing an increase in firemen's service pensions; amending Laws 1975, Chapter 125, Section 1.

Referred to the Committee on Governmental Operations.

Messrs. Engler, Setzepfandt and Sieloff introduced—

S. F. No. 1263: A bill for an act relating to taxation; providing that the trade in value of certain farm equipment be deducted from the purchase price of a motor vehicle for purposes of the

motor vehicle excise tax; amending Minnesota Statutes 1976, Section 297B.01, Subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Engler, Gunderson, Sillers and Hughes introduced—

S. F. No. 1264: A bill for an act relating to education; school attendance; defining a farm for purposes of determining pupil residence in more than one school district; amending Minnesota Statutes 1976, Section 120.065.

Referred to the Committee on Education.

Messrs. Spear, Merriam, Sikorski and Dieterich introduced—

S. F. No. 1265: A bill for an act relating to landlord and tenant; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of substantial hardship; amending Minnesota Statutes 1976, Sections 566.05; 566.06; and 566.09.

Referred to the Committee on Judiciary.

Messrs. Spear, Merriam, Dieterich and Keefe, J. introduced—

S. F. No. 1266: A bill for an act relating to landlord and tenant; providing for actions to recover possession of property on the ground of nonpayment of rent; authorizing restitution of the premises under certain circumstances; amending Minnesota Statutes 1976, Section 504.02.

Referred to the Committee on Judiciary.

Messrs. Vega, McCutcheon, Engler and Knutson introduced—

S. F. No. 1267: A bill for an act relating to state government; state zoological board; providing for an ex officio member of the board from the county board of Dakota county; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S. F. No. 1268: A bill for an act relating to nonprofit health service plan corporations; requiring that public members control at least 51 percent of the voting rights on the board of directors; amending Minnesota Statutes 1976, Section 62C.07, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Schaaf introduced—

S. F. No. 1269: A bill for an act relating to transportation; extending the time for submission by the commissioner of cer-

tain proposals relating to certain modes of transportation; amending Minnesota Statutes 1976, Section 174.06, Subdivision 7.

Referred to the Committee on Transportation.

Messrs. Gunderson, Laufenburger, Olhoft, Bernhagen and Hughes introduced—

S. F. No. 1270: A bill for an act relating to state employees; providing optional health insurance coverage under the Minnesota employees group insurance plan for certain former employees retired because of a disability.

Referred to the Committee on Governmental Operations.

Mr. Schmitz introduced—

S. F. No. 1271: A bill for an act relating to the city of Savage; firemen's service pensions.

Referred to the Committee on Governmental Operations.

Mr. Penny introduced—

S. F. No. 1272: A bill for an act relating to Waseca county; authorizing participation in a mental health services program outside its region.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Penny; Ulland, J.; Anderson; Luther and Willet introduced—

S. F. No. 1273: A bill for an act relating to environmental conservation; directing the commissioner of administration to study and implement certain practices; promoting use of recycled and recyclable materials and supplies by state government; amending Minnesota Statutes 1976, Section 16.28.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chenoweth, Dieterich, Peterson and Frederick introduced—

S. F. No. 1274: A bill for an act relating to taxation; changing definitions of "current tax" for purposes of qualified property tax credit and "property taxes payable" for purposes of income adjusted homestead credit; amending Minnesota Statutes 1976, Sections 273.011, Subdivision 5; and 290A.03, Subdivision 13.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Vega, Milton, Coleman and Lewis introduced—

S. F. No. 1275: A bill for an act relating to health care; pro-

viding benefits for out-patient treatment of alcoholism, chemical dependency and drug addiction under certain health care plans; amending Minnesota Statutes 1976, Section 62A.149, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Vega and Knutson introduced—

S. F. No. 1276: A bill for an act relating to Dakota county; housing and redevelopment authority; establishing powers of the authority; providing compensation for commissioners; amending Laws 1971, Chapter 333, Section 2, as amended; repealing Laws 1971, Chapter 333, Section 3.

Referred to the Committee on Local Government.

Messrs. McCutcheon, Menning, Purfeerst and Olson introduced—

S. F. No. 1277: A bill for an act relating to motor vehicles; limiting the issuance of vehicle registration plates or tabs and title documents, and requiring driver license suspension, under certain circumstances; amending Minnesota Statutes 1976, Section 171.16, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Menning, Purfeerst and Olson introduced—

S. F. No. 1278: A bill for an act relating to motor vehicles; denying registration, reregistration and the issuance of title documents to the owner of a vehicle who fails to respond to a summons or citation for a parking violation; specifying information to be supplied on an application for registration or certificate of title to a motor vehicle; appropriating money; amending Minnesota Statutes 1976, Chapter 168, by adding a section; Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Moe, Ashbach, Chenoweth and Dunn introduced—

S. F. No. 1279: A bill for an act relating to the legislature; creating a federal aid coordinating commission to monitor the flow of federal funds into the state; requiring information and research; providing staff; requiring report to the legislature; appropriating money.

Referred to the Committee on Governmental Operations.

Mrs. Staples, Messrs. Solon and Laufenburger introduced—

S. F. No. 1280: A bill for an act relating to real estate; permitting certain detainer actions to be done by nonattorneys; pro-

viding that the automatic lease renewal prohibition shall apply only to leases over three months in duration; amending Minnesota Statutes 1976, Sections 481.02, Subdivision 3; and 504.21.

Referred to the Committee on Judiciary.

Messrs. Humphrey; Borden; Mrs. Staples; Messrs. Keefe, J. and Solon introduced—

S. F. No. 1281: A bill for an act relating to commerce; providing a penalty for violation of an assurance of discontinuance or an order of the court; amending Minnesota Statutes 1976, Section 325.907, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Laufenburger introduced—

S. F. No. 1282: A bill for an act relating to public health; authorizing school superintendents appointed to county nursing committees to designate certain other persons to serve in their place; amending Minnesota Statutes 1976, Section 145.12.

Referred to the Committee on Local Government.

Messrs. Johnson and Willet introduced—

S. F. No. 1283: A bill for an act relating to the operation of state government; transferring the division of enforcement and field service from the department of natural resources to the department of public safety where it shall be known as the division of conservation enforcement and safety; amending Minnesota Statutes 1976, Sections 84.081, Subdivision 1; 84.086, Subdivision 2; repealing Minnesota Statutes 1976, Section 84.028, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Perpich, Nelson, Solon and Johnson introduced—

S. F. No. 1284: A bill for an act relating to labor; providing for union notification of a member's injury or death; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

Referred to the Committee on Employment.

Messrs. Anderson, Benedict, Engler, Olhoft and Menning introduced—

S. F. No. 1285: A bill for an act relating to local government; setting a time limit for local improvements; amending Minnesota Statutes 1976, Sections 429.021, Subdivision 3; 429.041, Subdivision 1; and Chapter 435, by adding a section.

Referred to the Committee on Local Government.

Mr. Anderson introduced—

S. F. No. 1286: A bill for an act relating to Chisago county and

the issuance of revenue bonds and the acquisition of property by said county for apartment buildings for elderly persons of low and moderate income.

Referred to the Committee on Local Government.

Mr. Johnson introduced—

S. F. No. 1287: A resolution opposing location of radioactive waste storage facilities within Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Anderson, Olson, Olhoft, Sillers and Wegener introduced—

S. F. No. 1288: A bill for an act relating to tax delinquent real estate; eliminating obsolete provisions relating to sale and redemption of tax delinquent real estate; amending Minnesota Statutes 1976, Sections 280.001; 280.07; 281.02; 281.36; and 281.37; repealing Minnesota Statutes 1976, Sections 279.32; 280.01; 280.02; 280.03; 280.04; 280.05; 280.06; 280.10; 280.11; 280.12; 280.13; 280.25; 280.26; 280.28; 280.29; 280.36; 281.15; 281.20; 281.24; 281.26; 281.27; 281.31; and 281.32.

Referred to the Committee on Judiciary.

Messrs. Anderson, Olson, Olhoft, Sillers and Wegener introduced—

S. F. No. 1289: A bill for an act relating to tax delinquent real estate; requiring notice to the commissioner of natural resources of forfeiture and sale of tax delinquent real estate; clarifying ownership of certain tax forfeited real estate; amending Minnesota Statutes 1976, Sections 281.23, Subdivision 8; 281.25; and 282.01, Subdivisions 1 and 3.

Referred to the Committee on Judiciary.

Mmes. Staples, Brataas and Mr. Spear introduced—

S. F. No. 1290: A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

Referred to the Committee on Judiciary.

Mrs. Staples, Messrs. Kirchner and Spear introduced—

S. F. No. 1291: A bill for an act relating to venue for cases involving maltreatment of minors; amending Minnesota Statutes 1976, Chapter 627, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Lewis; Spear and Ulland, J. introduced—

S. F. No. 1292: A bill for an act relating to juveniles; providing

for a police health and welfare hold; prescribing time limits; amending Minnesota Statutes 1976, Section 260.171, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olson, Stokowski, Kleinbaum, Gearty and Knoll introduced—

S. F. No. 1293: A bill for an act relating to the Minnesota society for the prevention of cruelty; providing for the appointment of the members of the board of directors by the governor; amending Minnesota Statutes 1976, Section 343.01, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Ogdahl and Stokowski introduced—

S. F. No. 1294: A bill for an act relating to retirement; Minneapolis teachers retirement fund association; coordination with social security; early retirement; amending Minnesota Statutes 1976, Sections 355.281; 355.286; and Laws 1976, Chapter 238, Section 12.

Referred to the Committee on Governmental Operations.

Messrs. Tennesen, Merriam, McCutcheon, Davies and Gearty introduced—

S. F. No. 1295: A bill for an act relating to taxation; providing income tax deduction for travel expenses for medical purposes; amending Minnesota Statutes 1976, Section 290.09, Subdivision 10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Schaaf, Olson, Penny and Willet introduced—

S. F. No. 1296: A bill for an act relating to aeronautics; requiring boards of adjustment to grant or deny applications for zoning variances within six months; authorizing the commissioner of transportation to develop an air transportation system; amending Minnesota Statutes 1976, Section 360.015, Subdivision 14; 360.017, Subdivision 1; and 360.067, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Hanson and Johnson introduced—

S. F. No. 1297: A bill for an act relating to agriculture; dairy products; grade A pasteurized milk; increasing certification fees; amending Minnesota Statutes 1976, Section 32.394, Subdivisions 8 and 8a.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olson, Schmitz, Setzepfandt and Dunn introduced—

S. F. No. 1298: A bill for an act relating to employments licensed by state; exempting registered professional engineers from water well contractor licensing provisions; amending Minnesota Statutes 1976, Section 326.03, by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Solon, Laufenburger, Bang, Mrs. Brataas and Mr. McCutcheon introduced—

S. F. No. 1299: A bill for an act relating to intoxicating liquors; removing prohibition against sale of liquor on election days; amending Minnesota Statutes 1976, Sections 340.034, Subdivision 1; and 340.14, Subdivision 1.

Referred to the Committee on Commerce.

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. 43 and 104.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 11, 1977

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. 22: A bill for an act relating to Lake of the Woods county; authorizing issuance of one off-sale liquor license.

Senate File No. 22 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 11, 1977

Mr. Menning moved that S. F. No. 22 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 293, 308, 316, 728, 903, 922, 930, 1003 and 40.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 11, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 293: A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

Referred to the Committee on Local Government.

H. F. No. 308: A bill for an act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain tradesmen of the metropolitan waste control commission; amending Minnesota Statutes 1976, Sections 352.01, Subdivision 2B; 473.141, Subdivision 12; and 473.511, Subdivision 3.

Referred to the Committee on Rules and Administration.

H. F. No. 316: A bill for an act relating to wrongful death; authorizing the commencement of an action within three years from the date of death; amending Minnesota Statutes 1976, Section 573.02, Subdivision 1.

Referred to the Committee on Judiciary.

H. F. No. 728: A bill for an act relating to corrections; prescribing powers of probation officers; providing for reimbursement to counties for probation services; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; authorizing the sealing of criminal records; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying powers of counties under and procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.14; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 260.311, Subdivision 5; 401.02, by adding subdivisions; 401.04; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

Referred to the Committee on Judiciary.

H. F. No. 903: A bill for an act relating to public transportation; making state commuter vans available for use by blind vending operators working on state property; amending Minnesota Statutes 1976, Section 16.756.

Referred to the Committee on Transportation.

H. F. No. 922: A bill for an act relating to labor; authorizing certain payroll deductions; amending Minnesota Statutes 1976, Section 181.06.

Referred to the Committee on Employment.

H. F. No. 930: A bill for an act relating to the counties of Hennepin and Scott; directing the counties to design and construct a temporary replacement of the Bloomington ferry bridge.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 785, now on General Orders.

H. F. No. 1003: A bill for an act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on trailers; dimensional specifications for trailer number plates; amending Minnesota Statutes 1976, Sections 168.013, Subdivision 1d; and 168.12.

Referred to the Committee on General Legislation and Veterans Affairs.

H. F. No. 40: A bill for an act relating to real estate brokers and salespersons; establishing a prelicense educational requirement and a continuing educational requirement; restricting certain activities of council members; authorizing the commissioner to increase license terms; amending Minnesota Statutes 1976, Sections 82.20, by adding a subdivision; 82.22, Subdivision 6, and by adding a subdivision; 82.30, Subdivision 1; and 82.34, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 241, now on General Orders.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 90: A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio officer of the state soil and water conservation board; amending Minnesota Statutes 1976, Section 40.03, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 40.01, Subdivision 8, is amended to read:

Subd. 8. [AGENCY OF THIS STATE OR STATE AGENCY.] “Agency of this state” or “state agency” includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

Sec. 2. Minnesota Statutes 1976, Section 40.01, is amended by adding a subdivision to read:

Subd. 15. [APPROPRIATE AGENCIES.] "Appropriate agencies" include any local, state or federal agency which possesses expertise, involvement or authority concerning the use and development of land and water resources, but does not include any district or the state board.

Sec. 3. Minnesota Statutes 1976, Section 40.02, is amended to read:

40.02 [PUBLIC POLICY; PURPOSE.] As a guide to the interpretation and application of this chapter, the public policy of the state is declared to be as follows. Improper land-use practices have caused and contributed to serious wind and water erosion of farm and grazing lands of this state by wind and water and that thereby topsoil is being washed out of fields and pastures and has speeded up the removal of the absorptive topsoil causing exposure of less absorptive and less protective, but more erosive, subsoil; and that, the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage. Land occupiers have failed the responsibility to cause the discontinuance of such practice as creates this condition, and the consequences thereof have caused the deterioration of soil and its fertility and the deterioration of crops grown thereon, and declining yields therefrom, and diminishing of the underground water reserve, all of which have caused water shortages, intensified periods of drought, and crop failure, and thus brought about suffering, disease, and impoverishment of families and the damage of property from floods and dust storms; and that all of these effects may be prevented by land use practices contributing to the conservation of top soil by carrying on of engineering operations such as the construction of terraces, check dams, dikes, ponds, ditches, and the utilization of strip cropping, lister furrowing, contour cultivating, land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses implement the practices which correct these conditions and to conserve the soil and water resources of the state.

It is hereby declared that it is for the public welfare, health, and safety of the people of Minnesota to provide for the conservation of the policy of the state to encourage land occupiers to conserve the soil and soil water resources of this state, and for the control and prevention of soil erosion, for land resource planning and development, for through the implementation of land resource use practices that effectively reduce or prevent erosion, sedimentation, siltation and loss of the land base through activities associated with farming, mining, construction, forestry, and other activities of man, and for flood prevention or the conservation development, utilization, and disposal of water, including but not limited to, measures for fish and wildlife and recreational development, and thereby and agriculturally related pollution in order to preserve natural resources, insure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands by land use practices, as herein provided for.

Sec. 4. Minnesota Statutes 1976, Section 40.03, Subdivision 1, is amended to read:

40.03 [STATE SOIL AND WATER CONSERVATION BOARD.] Subdivision 1. [MEMBERS.] There is hereby established, to serve as an agency within the department of natural resources and to perform the functions conferred upon it in this chapter, the state soil and water conservation board to be composed of ~~11~~ 12 members, seven of whom shall be elected supervisors of soil and water conservation districts selected as herein provided. ~~Four members thereof shall be~~ *and the following five* ex-officio members composed of the following: The director of the agricultural extension service of the University of Minnesota; the dean of the Institute of Agriculture of the University of Minnesota; the director of the pollution control agency; the commissioner of agriculture; *and the commissioner of natural resources*. Each ex-officio member may designate a person within his organization to act in his stead as a member of the state board, with all his rights and privileges. The designation shall be filed with the secretary of state. The state board shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The state board may also invite a representative of the state association of soil and water conservation districts, the association of Minnesota counties, the league of municipalities *Minnesota cities* and ~~such~~ *any* other organizations and governmental appropriate agencies as may be deemed necessary to serve as advisory members. The ~~other~~ seven members of said *the* state board *who are elected supervisors* shall be appointed by the governor with the advice and consent of the senate ~~from nominees who are elected representatives of the state soil and water conservation districts~~. In making these appointments the governor may consider persons recommended by the state association of soil and water conservation district supervisors *districts*. One member shall be appointed from each department of natural resources region except that two members shall be appointed from region number one. ~~The state board shall keep a record of its official actions, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter. The state board shall exercise all powers and duties as conferred upon it by law.~~

Sec. 5. Minnesota Statutes 1976, Section 40.03, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEES.] The department of natural resources shall provide administrative functions of this section. The commissioner of natural resources shall make available by separate budget to the state soil and water conservation board ~~such~~ *the* staff services, funds for operation, and office space as are necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner for reporting purposes in regard to staff functions and ~~these~~ operations as ~~they~~ *which* relate to department activities.

The commissioner of natural resources shall, subject to approval of the state soil and water conservation board, provide an adminis-

trative officer and such technical experts and such other necessary permanent and temporary technical experts, agents and employees ; permanent and temporary, as it may require in carrying out this section, and . The state board shall determine their the personnel's qualifications and duties, and recommend compensation to the commissioner of personnel. The state board may call upon the attorney general for such necessary legal services as it may require . It shall have authority to prescribe the powers and duties of its officers and employees, and to delegate to its chairman or to one or more of its other officers or members or administrative officer such any of its own powers and duties as it may deem proper. The administrative officer is responsible to the state board and may be dismissed by the commissioner of natural resources only upon the advice and recommendation of the state board. All permanent personnel of the state board are employees of the department of natural resources and are in the classified service of the state except as otherwise required by statute. All rights, duties and responsibilities of the existing staff of the state board on November 12, 1971 shall remain unchanged except as may be agreed upon by the state board and the commissioner. Upon request of In order to perform its duties, the state board ; for the purpose of carrying out any of its functions, may request information from the supervising officer of any state agency ; or of any state institution of learning higher education , including the state universities, the community colleges, and the post-secondary vocational technical schools. The supervising officer shall ; insofar as may be comply with the state board's request to the extent possible under considering available appropriations ; and having due regard to the needs of the agency to which the request is directed, assign or detail to the state board members of the staff or personnel of the agency or institution of learning, and make such by assigning agency or institution employees to compile existing information and to complete special reports, surveys, or studies as the state board may request concerning the problems specified in section 40.02 .

Sec. 6. Minnesota Statutes 1976, Section 40.03, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS; QUORUM.] The state board shall designate its chairman, and may annually ; from time to time, change such its designation. A member of the state board shall hold office so long as he shall retain the office by virtue of which he shall be serving on the state board. A majority of the state board shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The state board shall provide for the keeping of keep a full and accurate record of all proceedings and of all resolutions, regulations- and orders issued or adopted its official actions. The state board may hold any public hearings necessary to execute its duties specified in this chapter . The legislative auditor shall annually audit the books of the state board.

Sec. 7. Minnesota Statutes 1976, Section 40.03, Subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] In addition to the powers and duties hereinafter conferred upon the state soil and water conservation board, it shall have the following powers and duties:

(1) Prepare and present to the commissioner of the department of natural resources a budget to finance the activities of the state board and the districts and to administer any law appropriating funds to districts;

(2) To Offer ~~such any appropriate~~ assistance as may be appropriate to the supervisors of soil and water conservation the districts, organized as provided hereinafter, in carrying out implementing any of their powers and programs. Any funds made available to a soil and water conservation district for expenditures necessary to for the operations of the district shall be a grant to the district to be used only for purposes authorized by the state board pursuant to law. The soil and water conservation district may designate the board of county commissioners to act as the agent of the district to receive and expend these funds at the direction and with the approval of the board of supervisors of the district. At least annually the state board shall audit, in a manner it prescribes, the expenditure of funds so granted;

(3) To Keep the supervisors of each of the several districts organized under the provisions of this chapter district informed of the activities and experience of all other districts organized hereunder, and to facilitate cooperation and an interchange of advice and experience between ~~such among the~~ districts and cooperation between them ;

(4) To Coordinate the programs and activities of the several soil and water conservation districts organized hereunder, so far as this may be done with appropriate agencies by advice and consultation;

(5) Approve or disapprove the plans or programs of districts as they relate relating to the use of state funds as administered by the state board;

(6) To Secure the cooperation and assistance of the United States and any of its agencies, and of appropriate agencies of this state, in the work of such the districts and to develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding and agriculturally related pollution control programs ;

(7) To disseminate Develop and implement a comprehensive public information throughout the state program concerning the districts' activities and programs of the soil and water conservation districts organized hereunder, the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and to encourage the advantages of formation of such districts in areas where their organization is desirable; and

(8) To Subdivide and consolidate districts without a hearing

or a referendum so as to confine districts within county limits, provided, ~~further,~~ that no district, when feasible and practicable, shall contain less than four full or fractional congressional townships ;

(9) *Assist in the implementation of a statewide program for inventorying and classification of the types of soils throughout the state as determined by the Minnesota cooperative soil survey;*

(10) *Conduct research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state;*

(11) *Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices;*

(12) *Develop a system of priorities within the state to identify the erosion, flooding, sediment and agriculturally related pollution problem areas that are most severely in need of control systems; and*

(13) *Ensure compliance with statewide programs established by the state board pursuant to this section by advice, consultation, and approval of cost-sharing contracts with the districts .*

Sec. 8. Minnesota Statutes 1976, Chapter 40, is amended by adding a section to read:

[40.035] [PROGRAM PLAN.] *Subdivision 1. The state board shall prepare, in consultation with the districts and appropriate agencies, a program plan for the accomplishment of its duties specified in section 40.03, subdivision 4. The state board shall use this program plan in decisions to allocate funds to the districts. The state board shall give immediate emphasis to the determination of priority areas within the state where erosion, sedimentation and related water quality problems appear most in need of control methods and to the development of the comprehensive public information program.*

Subd. 2. For the purpose of developing the program plan, the state board may request any existing pertinent information from any state agency pursuant to section 40.03, subdivision 2, and may conduct any hearing it deems necessary.

Subd. 3. The plan shall be coordinated as closely as possible with other statewide resource plans, such as the statewide framework water resources plan and the statewide water quality management plan.

Subd. 4. The state board shall review and revise the plan at intervals it deems appropriate.

Sec. 9. Minnesota Statutes 1976, Chapter 40, is amended by adding a section to read:

[40.036] [COST SHARING CONTRACTS FOR EROSION CONTROL AND WATER MANAGEMENT.] *Subdivision 1. Within the limits of available funds, the state board may allocate funds to districts to be used to share the cost of implementing any system or practices for erosion control and water quality improvement which are designed to protect and improve the state's soil and water resources. Any district board requesting funds of the state board shall submit a comprehensive plan completed pursuant to section 40.07, subdivision 9, and an application on the form prescribed by the state board. After review of the district's comprehensive plan, the state board shall approve it with any necessary amendments or reject it. If the state board approved the district's comprehensive plan, it shall also determine the specific amount of funds to allocate to the district for the purpose of cost-sharing contracts. Neither the state board nor the district board shall furnish any financial aid for practices designed only for an increase in land productivity.*

Subd. 2. Within the limits of funds available, a district board may contract on a cost share basis to furnish financial aid to a land occupier or to a state agency for the implementation of permanent systems for erosion control and water quality improvement which are consistent with the district's comprehensive plan developed pursuant to section 40.07, subdivision 9. The duration of the contract may be the time required to complete the planned systems. A contract may provide for cooperation or funding with United States agencies. Every contract shall specify that the land occupier is liable for monetary damages, not to exceed the amount of financial assistance he received from the district, if he fails to timely complete or maintain the systems or practices as specified in the contract. A land occupier or any state agency may provide the cost-sharing portion of the contract through in-kind services.

Subd. 3. The state board shall promulgate rules specifying the procedures and criteria for allocating funds to districts for cost-sharing contracts. The rules shall also include standards and guidelines which the districts shall include in all cost-sharing contracts. The state board may for the purpose of implementing this section exercise emergency power and adopt emergency rules pursuant to section 15.0412, subdivision 5. No emergency rules may be adopted by the state board pursuant to this subdivision after July 1, 1978.

Subd. 4. Before November 15, 1978, the state board shall submit a report to the legislature, as provided in section 3.195, concerning the status of cost-sharing contract programs authorized by this section.

Sec. 10. Minnesota Statutes 1976, Section 40.07, Subdivision 1, is amended to read:

40.07 [POWERS OF DISTRICT BOARDS.] *Subdivision 1. A soil and water conservation district organized under the provisions of this chapter shall constitute a governmental and political subdivision of this state, and a public body, corporate and politic,*

exercising public powers, and the district, and the supervisors thereof, shall have the *following* powers prescribed in this section, in addition to those otherwise prescribed by law :

Sec. 11. Minnesota Statutes 1976, Section 40.07, Subdivision 2, is amended to read:

Subd. 2. A district may conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed, publish the results of such surveys, investigations, or research, and disseminate information concerning such preventive and control measures; provided, however, *that to identify the problems and preventive practices specified in section 40.02.* In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of the a state or any of its agencies, agency or with an agency of the United States or any of its agencies . A district may publish its comprehensive plan and the results of its surveys, investigations, and research and may disseminate information to the public concerning any of its activities.

Sec. 12. Minnesota Statutes 1976, Section 40.07, Subdivision 3, is amended to read:

Subd. 3. A district may conduct demonstration projects within the district on lands owned or controlled administered by this a state or any of its agencies agency , with the cooperation of the administering agency in control thereof , and on any other lands within the district with the consent of the owner or land occupier in control thereof , in order to demonstrate by example the means, methods, and measures for conservation of soil and water resources, for proper drainage, for the prevention and control of floods and pollution and for the prevention and control of soil erosion practices which implement the state policy specified in section 40.02 .

Sec. 13. Minnesota Statutes 1976, Section 40.07, Subdivision 4, is amended to read:

Subd. 4. A district may carry out constructive, preventive, and control measures implement any necessary practices within the district, including but not limited to engineering operations, structural measures and works of improvement for any purpose specified in this section or in section 40.02, methods of cultivation, the growing use of vegetation, and changes in use of land, and the measures referred to in section 40.02, on lands acquired by the district, and on other lands owned or controlled administered by this a state or any of its agencies agency , with the cooperation of the administering agency in control thereof , and on any other lands within the district , with the consent of the owner or land occupier in control thereof .

Sec. 14. Minnesota Statutes 1976, Section 40.07, Subdivision 5, is amended to read:

Subd. 5. A district may cooperate or enter into agreements with and, within the limits of available appropriations furnish financial or other aid to any *land occupier or appropriate agency, governmental or otherwise, or any occupier of lands in the carrying on of erosion control and prevention operations and other measures for the purposes to implement the policy specified or referred to in this section or section 40.02 within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter.*

Sec. 15. Minnesota Statutes 1976, Section 40.07, Subdivision 6, is amended to read:

Subd. 6. A district may ~~obtain options upon and acquire any rights or interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest, devise, or otherwise any property, real or personal, or rights or interest therein.~~ *It may maintain, operate, administer, and improve any properties acquired, may receive income from such the properties and to expend such the income in carrying out the purposes and implementing the provisions of this chapter, and may sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter.*

Sec. 16. Minnesota Statutes 1976, Section 40.07, Subdivision 7, is amended to read:

Subd. 7. A district may make available, on such terms as it shall prescribe, to land occupiers within the district, *any agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment as which will assist such land occupiers to carry on operations implement upon their lands for the conservation of soil and water resources, for the prevention and control of soil erosion or for any other purpose specified in this chapter, and acts amendatory thereof the practices specified in section 40.02.*

Sec. 17. Minnesota Statutes 1976, Section 40.07, Subdivision 8, is amended to read:

Subd. 8. A district may construct, install, improve, maintain, and operate such *any* structures and works ~~as may be necessary or convenient for the performance of any of the operations authorized in this chapter.~~

Sec. 18. Minnesota Statutes 1976, Section 40.07, Subdivision 9, is amended to read:

Subd. 9. A district may develop *and revise a comprehensive plans for the conservation of soil and water resources and for the control and prevention of soil erosion within the district plan*, specifying the measures and practices ~~deemed necessary or desirable for the effectuation thereof to implement the state policy specified in section 40.02~~, including, without limitation, *engineering operations, the construction, maintenance, and operation of works*

structural measures, methods of cultivation, the growing use of vegetation, cropping programs, tillage mechanical practices, and changes in use of land; and may publish such plans and information and bring them to the attention of occupiers of lands within the district, and others concerned. Such plans shall be consistent with the state plan for water and related land resources and technical standards and specifications related thereto. The plans shall include a classification of the soil types within the district as determined by the Minnesota cooperative soil survey and the areas within the district where erosion, sedimentation and related water quality problems appear most in need of control methods. The plan shall be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's cost-sharing program plan.

Sec. 19. Minnesota Statutes 1976, Section 40.07, Subdivision 10, is amended to read:

Subd. 10. A district may take over by purchase, lease, or otherwise, and may improve, maintain, operate and administer any soil or water conservation, erosion-control, erosion-prevention, watershed protection, flood prevention or flood control project located within its boundaries undertaken by the United States or by this a state or any of their agencies, for or in connection with the acquisition, construction, operation, management or administration of any such project agency, may accept donations, gifts, grants, or contributions in money, services, materials, or otherwise from the United States or from this, any state or any of their agencies agency or from any other source, in order to accomplish the authorization in this section. A board may enter into any contract or agreement which may be necessary or appropriate for the purposes thereof, may comply with any applicable provisions of federal or state law to accomplish the transfer, and may use or expend such any moneys, services, materials, or other things in accordance with the applicable terms and conditions for to accomplish any authorized purpose of the district.

Sec. 20. Minnesota Statutes 1976, Section 40.07, Subdivision 11, is amended to read:

Subd. 11. A district may sue and be sued in the name of the district, have perpetual succession unless terminated as hereinafter provided, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend, or repeal rules and regulations not inconsistent with this chapter to carry into effect its purposes and powers.

Sec. 21. Minnesota Statutes 1976, Section 40.07, Subdivision 12, is amended to read:

Subd. 12. As a condition to the extending of any benefits under this chapter to or for the performance of work upon any lands not owned or controlled administered by this a state or any of its agencies agency or by the district, the supervisors may require

compensation or contributions in money, services, materials, or otherwise commensurate with the cost or reasonable value of the operations or work conferring ~~such~~ *the* benefits.

Sec. 22. Minnesota Statutes 1976, Section 40.07, Subdivision 14, is amended to read:

Subd. 14. A district may *submit any application and* enter into any agreement or contract with the secretary of agriculture or other designated authority ~~which may be necessary or appropriate for the purpose of obtaining or using federal assistance under the provisions of said Public Law 566 ; or any act amendatory thereof or supplementary thereto, or under any other law providing for federal assistance for any authorized purpose of the district ; or for the construction, maintenance, and operation of works of improvement as defined in said act or amendatory act or other applicable federal law; .~~ A district may acquire without cost to the federal government ~~such any~~ land, easements, or rights-of-way as will be needed in connection with works of improvement installed with federal assistance; may assume ~~such the~~ proportionate share of the cost of installing any works of improvement involving federal assistance as may be determined by the secretary or other designated authority to be equitable in consideration of anticipated benefits from ~~such the~~ improvements; may make arrangements satisfactory to the secretary or other authority for defraying costs of operating and maintaining ~~such the~~ works of improvement in accordance with ~~prescribed~~ regulations ~~prescribed by secretary of agriculture, or other designated authority ;~~ may acquire or provide assurance that land ~~owness occupiers~~ have acquired ~~such the~~ water rights and other rights, pursuant to state law, as may be needed in the installation, maintenance, and operation of ~~such the~~ works of ~~improvements~~ improvement ; may obtain agreements to carry out recommended soil and water conservation measures and ~~proper~~ prepare farm plans ~~from~~ for owners of not less than 50 percent or other required percentage of the lands situated in any drainage area above any retention reservoir which may be installed with federal assistance, all as prescribed in said Public Law 566 or ~~amendatory act or other applicable federal law, and may do any and all other acts necessary to secure and use federal aid thereunder .~~

Sec. 23. *The governor shall appoint to the soil and water conservation board one member from region six to serve as 13th member of the board until a member is appointed from region six pursuant to section 40.03, subdivision 1, at which time the appointment authorized by this section shall expire.*

Sec. 24. [APPROPRIATION.] *The sum of \$12,000,000 is appropriated from the general fund to the state soil and water conservation board to be available until June 30, 1979 for the purpose of initiating a cost-sharing program for erosion control and water quality improvement. Not more than ten percent of the total amount appropriated shall be utilized for administrative expenses of the state board and the district boards. In addition, not more*

than ten percent of the total amount appropriated may be used for technical services to plan erosion control and water quality systems. Notwithstanding any other provision to the contrary, the state board can allocate funds not to exceed one half of the appropriation in this section to districts prior to the completion of a program plan pursuant to section 8 and a comprehensive plan pursuant to section 9.

Sec. 25. Minnesota Statutes 1976, Section 40.005 and 40.07, Subdivision 13, are repealed.

Sec. 26. This act shall be effective the day following final enactment."

Further, strike the title and insert:

"A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio member of the state soil and water conservation board; authorizing a cost-sharing program; clarifying the powers and duties of the state board and local districts; amending ambiguous or redundant provisions; adding a member to the soil and water conservation board temporarily; appropriating funds; amending Minnesota Statutes 1976, Chapter 40, by adding sections; and Sections 40.01, Subdivision 8, and by adding a subdivision; 40.02; 40.03, Subdivisions 1, 2, 3, and 4; and 40.07, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; repealing Minnesota Statutes 1976, Sections 40.005; and 40.07, Subdivision 13."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was re-referred

S. F. No. 100: A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after the period insert "The director of the state planning agency shall not allocate any funds to any local unit of government until the commissioner of natural resources has approved a detailed work program proposed by the local unit of government."

Page 1, line 16, after the period insert "If a local unit of government which received funds under this section fails to satisfy this responsibility, the structures and real property within Islands of Peace park purchased with funds under this section and any unexpended funds received pursuant to this section shall revert to the state."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 799: A bill for an act relating to agriculture; establishing a swine disease research center; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 558: A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "*height*" insert "*which is constructed and set so that the trapped owl may rest on the ground*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 889: A bill for an act appropriating money for public radio purposes; providing grants for public radio stations serving Minnesota; providing for supervision of grant expenditures.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, strike ", serving a"

Page 1, line 20, strike everything before the period and insert "which either qualifies for financial assistance from the corporation for public broadcasting or which, with funds granted pursuant to this act, would qualify for financial assistance from the corporation"

Page 1, line 20, after the period insert: "Public radio stations shall not be deemed to include a station owned, sponsored or managed by a public institution of higher education in the state."

Page 2, lines 4 and 5, strike "Minnesota based"

Page 2, line 5, after "contributions" insert "to the station"

Page 2, line 10, strike "sources based" and insert "corporations, foundations and other associations having their principal office"

Page 2, line 13, strike "equal an amount as consistent with this section" and insert "a base payment an amount equal to eligible

contributions to the station for the preceding fiscal year up to a maximum of \$10,000 for each year in the biennium. A station which has received during the preceding fiscal year eligible contributions in excess of \$10,000 shall receive a portion of any remaining money from the appropriation in this act. The portion received by the station shall equal the station's excess contributions divided by the total excess contributions received by all eligible stations times the total remainder of the appropriation for that period "

Page 2, line 15, strike "July" and insert "December"

Page 2, line 20, strike "September" and insert "December"

Page 2, lines 20 and 23, strike "may" and insert "shall"

Page 2, line 24, after "stations" insert "as provided in subdivision 2. Payments due under this section shall be made no later than January 1 and July 1 of each year."

Page 2, line 29, strike "In future years,"

Page 3, line 4, after "\$250,000" insert "for the biennium beginning July 1, 1977"

Page 3, after line 6, insert:

"Sec. 5. This act shall be effective on the day following final enactment."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 826: A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 21, strike "said" and insert "the"

Page 2, line 22, after "of" strike "such" and insert "the" and after "by" strike "such" and insert "the"

Page 2, line 24, strike "such" and insert "the"

Page 2, line 25, before "audit" strike "such" and insert "the" and after "make" strike "such"

Page 2, after line 26, insert:

"Sec. 2. This act shall be effective the day following final enactment."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 847: A bill for an act relating to statutory publications; providing for the distribution of Minnesota Statutes and session laws; amending Minnesota Statutes 1976, Section 648.39, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 903: A bill for an act relating to public safety; excepting certain personnel in the department of public safety from the requirement of reimbursing the state for the cost of using state-owned vehicles; amending Minnesota Statutes 1976, Section 16.753, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was re-referred

S. F. No. 448: A bill for an act relating to public safety; telephone companies; providing for local emergency telephone services; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 12, the terms defined in this section have the meanings given them.

Subd. 2. "Local government unit" means a county, municipality or any other unit of local government or special purpose district located in whole or in part within this state which provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.

Subd. 3. "Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 4. "Public safety agency" means a functional division of a local government unit which provides fire fighting, police, med-

ical, or other emergency services, or a private entity which provides emergency medical or ambulance services.

Subd. 5. "Public safety answering point" means a communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

Subd. 6. "Minimum 911 network" means a telephone service meeting the design standards established pursuant to section 6, which automatically connects a person dialing the digits 911 to an established public safety answering point. Minimum 911 service includes equipment for connecting and outswitching 911 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, for automatically selectively routing 911 calls in situations where one telephone central office serves more than one public safety answering point.

Subd. 7. "911 system" shall provide access to police, firefighting and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the local government unit operating the public safety answering point.

Sec. 2. [911 EMERGENCY TELEPHONE SYSTEM.] Subdivision 1. Each county board in the metropolitan area shall provide for the implementation of an operating 911 emergency telephone system on or before December 15, 1982 and each remaining county board shall provide for the implementation of an operating 911 emergency telephone system on or before December 15, 1986.

Subd. 2. The 911 systems may be multijurisdictional or regional in character provided that design and implementation are preceded by cooperative planning on a county by county basis with local public safety agencies.

Sec. 3. [911 EMERGENCY TELEPHONE NUMBER; PAY TELEPHONES.] Subdivision 1. The digits 911 shall be the primary emergency telephone number within the system, but a public safety agency whose services are available on the 911 system may maintain a separate secondary backup number for emergency calls and shall maintain a separate number for nonemergency telephone calls.

Subd. 2. By December 15, 1986, each public utility providing telephone service within a 911 service area shall convert every pay station telephone to permit dialing of the 911 number without coin or other charge to the caller.

Sec. 4. [DESIGN OF SYSTEM.] Each county shall design its 911 system to meet the requirements of public safety agencies whose services are available through the 911 system and to permit future expansion of the system.

Sec. 5. [SYSTEM PLANNING AND COORDINATION.] The commissioner of administration shall coordinate the implementation of 911 systems on or before the deadlines established in section 2. The commissioner shall assist counties in the formulation of concepts, methods and procedures which will improve the operation of 911 systems.

Sec. 6. [STANDARDS ESTABLISHED.] Subdivision 1. The commissioner of administration shall adopt in accordance with Minnesota Statutes, Chapter 15, rules for the administration of sections 1 to 10 and for the development of 911 systems in the state. Matters which shall be covered in the rules include:

(a) Design standards for 911 systems outside the metropolitan area;

(b) Design standards for the 911 system in the metropolitan area; and

(c) A procedure for determining and evaluating requests for variations from the established design standards.

Subd. 2. In preparing the design standards required by this section the commissioner and the council shall coordinate their efforts so as to insure compatibility between the standards for the metropolitan area 911 system and systems for the remainder of the state.

Sec. 7. [PLANS TO BE SUBMITTED.] Subdivision 1. Before December 15, 1978, each county board shall submit tentative plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the commissioner of administration and to the public service commission. The commissioner of administration shall review the plan for consistency with the standards adopted pursuant to section 6 and shall report his findings to the county board within six months of receipt of the plan. The public service commission shall review the plan and comment to the county board within six months of the receipt of the plan. Each public utility providing telephone service within the county shall review the plan and transmit to the county board good faith estimates of local system implementation expenses within six months of the receipt of the plan.

Subd. 2. Before December 15, 1979, each county board shall submit final plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the commissioner of administration and to the public service commission. The final plan shall include a description of all capital and recurring costs for the proposed 911 system. The commissioner of administration shall review the final plan for consistency with the standards adopted pursuant to section 6 and approve or disapprove the plan within six months of receipt. The public service commission shall review the final plan and determine that portion of plan implementation capital costs which may be applied to the utility company rate base and

report findings to the county board within six months of receipt of the plan.

Subd. 3. After commissioner of administration approval of design and public service commission report of findings, each county board, together with the commissioner of administration and the local governmental units operating public safety answering points, shall contract with the appropriate public utility or utilities for the implementation of the approved 911 system plan.

Subd. 4. Each county board providing for the implementation of an operating 911 system before December 15, 1978, shall submit to the commissioner of administration and the public service commission in lieu of the required plan a report describing the system and stating its operational date.

Subd. 5. Any subsequent changes to 911 systems described in subdivision 4 shall conform to standards established by the commissioner of administration pursuant to section 6.

Subd. 6. After adoption of a final 911 system plan, any county board or utility may petition the commissioner of administration for a waiver of all or portions of the requirements or time limits of sections 1 to 8. Waivers shall be granted upon a demonstration by petitioner that the requirement is economically infeasible in the sense that federal or state funding for the initial capital investment required of the county board to implement a 911 system is not available.

Sec. 8. [COOPERATIVE AGREEMENTS.] Subdivision 1. In counties implementing 911 systems pursuant to sections 1 to 7, two or more local government units which have different 911 systems but which share common boundary lines may enter into cooperative agreements pursuant to section 471.59 which shall provide that once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to jurisdictional boundaries.

Subd. 2. Public safety agencies with jurisdictional responsibilities shall in all cases be notified immediately by the public safety answering point of a request for service in their jurisdiction.

Subd. 3. Counties, local government units operating public safety answering points, and other local governmental units may enter into cooperative agreements under section 471.59 for the allocation of operational and capital costs attributable to the 911 system.

Sec. 9. [LOCAL RECURRING COSTS.] Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 8, subdivision 3. Costs attributable to local government electives for facilities beyond minimum 911 network

requirements shall be borne by the local governmental unit requesting the elective service.

Sec. 10. [REPORT TO LEGISLATURE.] By January 1 of each year, the commissioner of administration shall report to the legislature the progress that has been made in the implementation of sections 1 to 10.

Sec. 11. [APPROPRIATION.] Subdivision 1. There is appropriated from the general fund to the commissioner of administration the following amounts to be used to implement the provisions of sections 1 to 10 in the fiscal years ending June 30 in the years indicated:

\$ 25,000 1978,

\$ 25,000 1979.

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.

Subd. 2. There is appropriated from the general fund to the commissioner of administration the following amounts to be used to pay the recurring annual costs attributable to minimum 911 network requirements:

\$ 20,000 1978,

\$180,000 1979.

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.

Sec. 12. This act is effective the day following final enactment."

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to public safety; requiring implementation of 911 emergency telephone systems; providing for standards and waivers; appropriating money."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 664: A bill for an act relating to state government; changing the duties of the legislative commission on Minnesota resources and providing for the personnel thereof; eliminating certain conservation work projects and land acquisition programs; amending Minnesota Statutes 1976, Sections 86.06; 86.08, Subdivision 2; 86.10, Subdivision 1; and 86.53; repealing Minnesota Statutes 1976, Sections 86.07, Subdivision 2; 86.11, Subdivisions 1, 2, 4, 7, 8 and 9; 86.31; 86.32; 86.33; 86.34; 86.35; 86.41; 86.42; and 86.51.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 4, strike "and providing for the personnel thereof"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 464: A bill for an act relating to public welfare; changing eligibility standards for medical assistance; appropriating money; amending Minnesota Statutes 1976, Section 256B.06, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, strike "\$15,000" and insert "\$25,000"

Page 2, lines 17 to 19, reinstate the stricken language

Page 2, strike line 20

Page 2, line 21, strike "*assistance pursuant to sections 256.72 to 256.87*"

Page 3, line 7, after the semicolon, insert "*provided, however, that the agency shall by rule establish a sliding fee schedule based on income which will permit the spouse of a married person who is a resident of a nursing home, to retain a higher income than is otherwise provided by agency rules;*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1081: A bill for an act relating to welfare; providing for personal allowances to disabled persons in care facilities; amending Minnesota Statutes 1976, Section 256B.36.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike "handicapped or mentally retarded"

Page 1, line 13, strike "confined" and insert "*residing*"

Page 1, line 22, strike "*an amount equal,*"

Page 2, strike line 1

Page 2, line 2, strike "(3)"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 446: A bill for an act relating to public welfare; increasing supplemental aid; appropriating money; amending Minnesota Statutes 1976, Section 256D.37, Subdivision 2, and by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after " 1 " insert "*and section 256D.36*"

Page 1, line 16, after "*aid*" insert "*who are residents of a room and board facility whose daily rate is negotiated by a local agency*"

Page 1, line 16, strike "\$25" and insert "\$35"

Page 2, line 10, strike "*personal property limitation for all*" and insert "*limitation on personal property as defined by the agency by rule for all recipients and*"

Page 2, line 16, strike "*income limitation*" and insert "*standard of need for applicants and recipients of supplemental aid*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 163: A bill for an act relating to education; vocational training for handicapped persons; establishing a special office for handicapped persons in the department of vocational rehabilitation; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, strike everything after "1." and insert "[129A.10] Subdivision 1. The commissioner of"

Page 1, line 9, strike "an office of" and insert "shall designate persons in his department to provide"

Page 1, line 10, after "severely" insert "physically" and after "A severely" insert "physically"

Page 1, line 16, strike "Sec." and insert "Subd."

Page 1, line 16, strike "The purpose of the office is to serve" and insert "A duty of the persons so designated shall be to assist"

Page 1, line 17, after "severely" insert "physically"

Page 1, line 20, strike "The office shall focus" and insert "Specifically, emphasis shall be placed"

Page 2, line 2, after "severely" insert "physically"

Page 2, line 5, after "severely" insert "physically"

Page 2, strike lines 7 to 19

Page 2, line 20, strike "Epilepsy League."

Page 2, line 20, strike "office" and insert "commissioner"

Page 2, line 20, strike "its" and insert "the"

Page 2, line 21, after "availability" insert "of his department and staff"

Page 2, line 23, strike "4" and insert "2"

Page 2, lines 23 to 24, strike "fiscal year 1977-1978," and insert "the biennium beginning July 1, 1977"

Page 2, line 24, strike "department" and insert "commissioner"

Page 2, line 25, strike "\$60,000 for personnel to"

Page 2, strike line 26

Page 2, line 27, strike "handicapped persons" and insert "\$120,000 for the purposes of this act"

Page 2, after line 27, insert:

"Sec. 3. This act shall be effective on July 1, 1977."

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to vocational rehabilitation; providing for special services to severely handicapped persons; adding duties to the commissioner of vocational rehabilitation; appropriating money."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

H. F. No. 75: A bill for an act relating to public safety; requiring railroad companies to reimburse local governments and nonprofit fire fighting corporations for expenses incurred to extinguish locomotive caused fires.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [219.761] Subdivision 1. Any railroad operating in Minnesota shall be liable for all reasonable expenses of extinguishment when a fire or fire hazard emergency is proximately caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property. If the fire department of a local government or nonprofit fire fighting corporation extinguishes a fire or fires arising from one occurrence and deems that it is entitled to reimbursement for its expenses, it shall within seven days after the first full day after extinguishment, give the railroad written notice by mail which shall state

the circumstances of the fire as then known. The notice may be given to the railroad at any address at which the owner has an office, agent or other place of business in this state. The date of mailing shall be the date of service of the notice.

If after notice and claim for reimbursement, the railroad working the right-of-way refuses to reimburse the local government or nonprofit fire fighting corporation for expenses incurred, the claimant may recover by civil action reasonable expenses, costs, disbursements, and attorney's fees.

Subd. 2. All claims shall set forth the basis of the claim including the time, date, place and circumstances of the claim. A claim shall also include an itemization of costs incurred in the extinguishment of the fire. The state fire marshal, in consultation with fire department chiefs and representatives of the interested railroads, may recommend additional information to be included in a claim.

Subd. 3. If the railroads are required to pay property taxes pursuant to chapter 272 or any other law, they shall also pay any fees and assessments which may be required of property owners situated within the same political subdivision for fire fighting and protection expenses. Neither the enactment of this act, nor its subsequent repeal or termination, shall alter the statutory or common law rights, duties or obligations of railroad companies with regard to fires caused directly or indirectly by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 426: A bill for an act relating to motor vehicles; providing for limited licenses to attend chemical dependency programs; amending Minnesota Statutes 1976, Section 171.30, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "*dependency*" insert "*treatment or counseling*"

Page 1, line 18, strike "such" and insert "*the*"

Page 1, line 18, strike "In cases involving a suspension or"

Page 1, strike lines 19 to 22

Page 2, strike line 1

Page 2, line 2, strike "169.123, during the preceding three year period."

Page 2, line 3, strike the first "such" and insert "*a*"

Page 2, line 6, strike "Such" and insert "*The*"

Page 2, line 12, strike the first and second "such" and insert "*the*"

Page 2, line 17, strike "such" and insert "*the*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 972: A bill for an act relating to probate; personal representatives; protecting certain good faith purchasers dealing with personal representatives; amending Minnesota Statutes 1976, Section 524.3-714.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 999: A bill for an act relating to mobile homes; providing for termination of land leases; amending Minnesota Statutes 1976, Section 327.44.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert

"Section 1. Minnesota Statutes 1976, Section 327.43, Subdivision 1, is amended to read:

327.43 [ENTRANCE AND TRANSFER FEES PROHIBITED; SECURITY DEPOSITS LIMITED.] Subdivision 1. No fee other than ~~that~~ *the periodic rental payment* specified in the lease or rental agreement may be charged to a mobile home park tenant or prospective tenant for the right to obtain or retain a space or lot, provided that a lessor may impose a reasonable charge for goods and services actually furnished by or at his expense in setting up a mobile home on a space or lot."

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, after the semicolon insert "regulating mobile home lot payments; prohibiting entrance fees;"

Page 1, line 4, strike "Section" and insert "Sections 327.43, Subdivision 1; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 919: A bill for an act relating to highway traffic reg-

ulations; prescribing the width of vehicles; amending Minnesota Statutes 1976, Section 169.80, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, strike everything after the period

Page 2, strike lines 7 to 10 and insert "*The vehicle shall display 12 inch square red flags as markers at the front and rear of the left side of the vehicle.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 833: A bill for an act relating to highways; state-aid system; contracts for construction and improvement of county state-aid highways and municipal state-aid streets; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Sections 162.04 and 162.10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after the comma insert "*and the construction or improvement is not financed in whole or in part by federal aid highway money,*"

Page 2, lines 8 to 12, strike all of the new language and insert "*Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the value of the work completed shall obligate the county to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a county may legally withhold as a result of breach of contract or other contractual claim.*"

Page 2, line 17, after the comma insert "*and the construction or improvement is not financed in whole or in part by federal aid highway money,*"

Page 3, lines 2 to 7, strike all of the new language and insert "*Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the value of the work completed shall obligate the city to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a city may legally withhold as a result of breach of contract or other contractual claim.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 738: A bill for an act relating to the state transportation system; authorizing the issuance of state bonds pursuant to Minnesota Statutes 1976, Section 174.51 and Article XI of the Constitution for the design, construction and reconstruction of bridges and bridge approaches; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [TRUNK HIGHWAY BONDS; ISSUANCE AND SALE.] The commissioner of finance is authorized and directed, upon request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and of the Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, at such times and in such amounts as may be requested by the commissioner of transportation. Bonds issued pursuant to this section are authorized in an aggregate principal amount of \$50,000,000. The proceeds of such bonds shall be appropriated to the trunk highway fund and shall be deposited in a separate bridge construction account.

Sec. 2. [STATE TRANSPORTATION BONDS; ISSUANCE AND SALE.] The commissioner of finance is authorized upon the request of the commissioner of transportation to sell and issue Minnesota state transportation bonds for the purpose provided in Minnesota Statutes 1976, Section 174.51, Subdivision 1, in the aggregate principal amount of \$50,000,000 in the manner and upon the conditions prescribed in Minnesota Statutes 1976, Section 174.51 and in Article XI of the Constitution. The proceeds of the bonds, except as provided in Minnesota Statutes 174.51, Subdivision 5, are appropriated to the Minnesota state transportation fund for expenditure in accordance with Section 3, Subdivision 2, and Minnesota Statutes 1976, Section 174.50.

Sec. 3. [APPROPRIATION.] Subdivision 1. The sum of \$50,000,000, or so much thereof as is determined to be needed, is appropriated from the separate bridge construction account in the trunk highway fund created pursuant to section 1, for the biennium ending June 30, 1979, for the design, construction and reconstruction of key bridges and bridge approaches on the trunk highway system including interstate routes. Any money appropriated under this subdivision shall be expended in accordance with the requirements for expenditure of money from the Minnesota state transportation fund for trunk highway bridges as those requirements are provided in section 174.50 and in rules promulgated pursuant to that section.

Subd. 2. The sum of \$50,000,000 or so much thereof as is deter-

mined to be needed, is appropriated from the Minnesota state transportation fund to the department of transportation for the biennium ending June 30, 1979 for disbursement in the form of grants to political subdivisions by the commissioner of transportation for the construction and reconstruction of key bridges on the following road systems:

- 1. County highway systems.....\$27,000,000
- 2. Municipal street systems..... 8,000,000
- 3. Township road systems..... 15,000,000

Sec. 4. This act is effective July 1, 1977.”

Amend the title by striking it and inserting:

“A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for construction and reconstruction of certain bridges; appropriating money.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 804: A bill for an act relating to highway traffic regulations; driving under the influence of alcohol, drugs and controlled substances; chemical tests for intoxication, and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary permits under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127, by adding a subdivision; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 169.121, is amended to read:

169.121 [MOTOR VEHICLE DRIVERS UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.] Subdivision 1. It shall be a misdemeanor for any person described in clauses (a), (b), (c) or (d) to drive, operate or be in actual physical control of any vehicle within this state:

(a) A *When the person who is under the influence of an alcoholic beverage or narcotic drug alcohol* ;

(b) A *When the person who is an habitual user of narcotic drugs or who is under the influence of a controlled substance which impairs the ability to drive* ;

(c) A *When the person who is under the influence of a combination of any two or more of the elements named in clauses (a) and (b) hereof ; or*

(d) A *person whose When the person's blood contains 0.10 percent or more by weight of alcohol.*

When a police officer has reason to believe from the manner in which a driver is driving, operating, or actually controlling, or has driven, operated, or actually controlled, a vehicle that such driver may be violating this subdivision he may require the driver to provide a sample of his breath for an immediate preliminary screening test or analysis before an arrest is made, using a device approved by the commissioner for this purpose. The results of such a preliminary screening test or analysis shall be used only for the purpose of guiding the officer in deciding whether an arrest should be made, and shall not be used as evidence in any court action.

The driver of any motor vehicle shall furnish such a sample of his breath when required to do so. The provisions of section 169.122, shall apply to any driver who refuses to furnish a sample of his breath; provided that the license or permit of a driver shall not be revoked pursuant to section 169.123, subdivision 4, for refusal to provide a sample of his breath for preliminary screening purposes, if he submits to a blood, breath or urine test to determine the alcoholic content of his blood pursuant to section 169.123, subdivision 2. Another test may be required of the driver following the screening test pursuant to the provisions of this chapter, which shall be admissible evidence in accordance therewith.

Nothing in this subdivision authorizing such preliminary screening test or analysis shall be construed as changing, limiting, or otherwise modifying the procedures, safeguards, and other provisions of sections 169.121 to 169.122 or ordinances in conformity therewith.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or who is in actual physical control of any vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Subd. 2. Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or *being in actual physical control of a motor vehicle in violation of subparagraphs a, e, or d of subdivision 1 hereof* , the court may admit evidence of the amount of alcohol or a *controlled substance* in the person's blood, breath, or urine as shown by a medical or chemical analysis thereof; if *said the test is taken voluntarily or pursuant to section 169.123.*

For the purposes of this subdivision:

(a) evidence that there was at the time 0.05 percent or less by weight of alcohol in the person's blood is prima facie evidence that ~~such~~ *the* person was not under the influence of an alcoholic beverage *alcohol* ;

(b) evidence that there was at the time more than 0.05 percent and less than 0.10 percent by weight of alcohol in the person's blood is relevant evidence but ~~it is not to be given~~ *prima facie* effect in indicating whether or not the person was under the influence of an alcoholic beverage *alcohol* .

The foregoing provisions shall ~~not~~ be construed as limiting *do not limit* the introduction of any other competent evidence bearing upon the question whether or not ~~such~~ *the* person was under the influence of an alcoholic beverage *alcohol* or a *controlled substance* .

For the purposes of this section, an "alcoholic beverage" means any liquid containing more than one half of one percent of alcohol by volume.

For the purposes of this section "percent by weight of alcohol" shall be defined as the number of grams of alcohol per 100 milliliters of blood.

Subd. 3. Every person ~~who~~ is convicted of a violation of this section shall be *is* punishable by imprisonment of not less ~~than~~ ten days ~~nor~~ more than 90 days, or by a fine of not less than \$10 ~~nor~~ more than \$300, or both, and his driver's license shall be revoked for not less than 30 days, except that every person who is convicted of a violation of this section, when ~~such~~ *the* violation is found to be the proximate cause of grievous bodily injury or death to another person, shall be punished by imprisonment for not less than 60 days ~~nor~~ more than 90 days, or by fine of not more than \$300, or both and his driver's license shall be revoked for not less than 90 days.

Any person whose license has been revoked pursuant to section 169.123 or section 169.127 is not subject to the mandatory revocation provision of this subdivision.

Subd. 4. Every person who is convicted of a violation of this section within three years of any previous conviction under this section shall be punished by imprisonment for not less than ~~ten~~ days ~~nor~~ more than 90 days, and his driver's license shall be revoked for not less than 90 days.

Subd. 5. ~~Whenever a person is charged with a violation of this section within three years of a previous conviction hereunder , and he shall forfeit his bail, it shall be the duty of the prosecuting officer to immediately apply to the court for a bench warrant, and thereupon the court shall forthwith issue a warrant for the arrest of the accused.~~

Subd. 6 5 . The court may stay imposition or execution of any sentence authorized by subdivision 3 or 4 on the condition that the convicted person submit to treatment by a public or

private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

~~Subd. 7. Any person whose license has been revoked pursuant to section 169.127 shall not be subject to the mandatory revocation provision of subdivision 2.~~

Subd. 6. When a peace officer has reason to believe from the manner in which a person is driving, operating, or controlling, or has driven, operated, or controlled, a vehicle that the driver may be violating or has violated subdivision 1 he may require the driver to provide a sample of his breath for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of this preliminary screening test may not be used as evidence in any court action under this section but shall be used for the purpose of deciding whether an arrest should be made and whether to require the chemical tests, authorized in section 169.123. Following the screening test another test may be required of the driver pursuant to the provisions of section 169.123.

The driver of a motor vehicle who refuses to furnish a sample of his breath is subject to the provisions of section 169.123, subdivisions 4 to 8 unless, in compliance with 169.123, he submits to a blood, breath or urine test to determine the presence of alcohol or a controlled substance.

Subd. 7. On behalf of the commissioner of public safety a court shall serve notice of revocation on a person convicted of a violation of this section. The notice satisfies the notice requirements of section 171.17. The court shall take the license or permit of the driver, if any, and send it to the commissioner with a record of the conviction and issue a temporary license effective only for the period during which an appeal from the conviction may be taken. The commissioner shall issue additional temporary licenses until the final determination of whether there shall be a revocation under this section.

Sec. 2. Minnesota Statutes 1976, Section 169.123, is amended to read:

169.123 [CHEMICAL TESTS FOR INTOXICATION.] Subdivision 1. [PEACE OFFICER DEFINED.] For purposes of this section and section 169.121, ~~subdivision 2,~~ the term peace officer means a state highway patrol officer or full time police officer of any municipality, including towns having powers under section 368.01, or county having satisfactorily completed a prescribed course of instruction in a school for instruction of persons in law enforcement conducted by the University of Minnesota or a similar course considered equivalent by the commissioner of public safety.

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] Any person who drives or operates

, or is in physical control of a motor vehicle upon the public highways of within this state shall be deemed to have given consent consents, subject to the provisions of this section and section 169.121, subdivision 2, to a chemical test of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood presence of alcohol or a controlled substance . The test shall be administered at the direction of a peace officer. The test may be administered required of a person when the an officer has reasonable and probable grounds to believe that a the person was driving or , operating a motor vehicle while said person was under the influence of an alcoholic beverage , or in physical control of a vehicle in violation of section 169.121 and one of the following conditions exist: (1) the said person has been lawfully placed under arrest for alleged commission of the said described offense in violation of section 169.121, or an ordinance in conformity therewith; or, (2) the person has been involved in a motor vehicle collision resulting in property damage, personal injury, or death ; or (3) the person submits to the test voluntarily . The test may also be administered when the an officer has reason to believe that a person was driving or operating a motor vehicle in violation of section 169.121 or an ordinance in conformity therewith and the person has either refused to take the preliminary screening test provided for by section 169.121, subdivision 1 6 , or such the preliminary screening test was administered and recorded a blood alcohol level of .10 percent or more by weight of alcohol. Any person may decline to take a direct blood test and elect to take either a breath , or urine test, whichever is available ; in lieu thereof, and either a breath or urine test shall be made available to the arrested person who makes such an election or offered . No action shall may be taken against the person for declining to take a direct blood test unless either a breath , or urine test was available. At the time the peace officer requests such a chemical test specimen , he shall inform the arrested is requested, the person shall be informed that the law requires that he submit to a chemical test, but that he need not submit to a blood test, that he may take a confidential test and decide within 84 hours whether to permit use of the test, that his right to drive may will be revoked or denied if he refuses to permit the test or use of it, and that he has the right to have additional tests made by a person of his own choosing consult an attorney .

Subd. 2a. Notwithstanding subdivision 2, if there is probable cause to believe there is impairment by a controlled substance which is not subject to testing by a breath test, a urine test may be required even after a blood or breath test has been administered.

Subd. 2b. A person who for any reason is undecided whether or not to submit to a test, as required by subdivision 2, may take a confidential test. If the person within 84 hours thereafter declines in writing to permit use of the test, the test has no legal effect and may not be disclosed or used in any proceeding. It shall remain confidential, but the department of public safety may use summary data derived from the test results for statistical purposes. If a person does not within 84 hours decline to permit use of the test,

the test is no longer confidential and shall be used to satisfy the requirements of this section. A person who takes a confidential test shall receive no indication of the test results unless within 84 hours he consents in writing to permit use of the test as the test required by subdivision 2. Any person who seeks to learn the result of a test while the test is confidential is guilty of a petty misdemeanor.

If a person takes a confidential test, the peace officer shall take his drivers license or permit as if he had refused to submit to the test and, on behalf of the commissioner of public safety, give notice of intention to revoke and of revocation. The officer shall also issue a temporary license, valid until the time for filing a request for a hearing on the revocation has expired.

An officer who takes a person's drivers license or permit pursuant to this subdivision shall retain the license for 84 hours or until within that time the person in writing either declines to permit use of the test or consents to its use. If the person declines to permit use of the test the person violates this section and the officer shall proceed accordingly. Otherwise, the officer shall either (1) return the license or permit, if the reading shows less than .10 percent alcohol by weight of blood or (2) proceed in accordance with section 169.127, if the reading shows .10 percent or more alcohol by weight of blood.

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the alcoholic content therein presence of alcohol or controlled substance . This limitation shall does not apply to the taking of a breath , or urine specimen. The person tested shall have has the right to a physician, a medical technician, medical technologist, laboratory assistant or registered nurse have a person of his own choosing to administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of said the person be is obtained at the place where such the person is in custody , after the test administered at the direction of a peace officer, and at no expense to the state. Said person shall have the right to immediately communicate with his attorney, doctor or any other person in order to secure a physician, medical technician, medical technologist, laboratory assistant or registered nurse of his own choosing for the purpose of administering such additional test or tests; but this shall in no way delay the administering of the test at the direction of the peace officer. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. Upon the request of the person who is tested, full information concerning the test or tests taken at the direction of the peace officer shall be made available to him. The physician, medical technician, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcoholic content shall in no manner be liable in any

civil or criminal action except for negligence in drawing the blood. The person administering such a test at the request and direction of such a peace officer shall be fully trained in the administration of such the tests pursuant to standards promulgated by rule by the commissioner of public safety.

Subd. 4. [REFUSAL TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the commissioner of public safety, upon the receipt of a certificate of the peace officer that he had reasonable and probable grounds to believe the person had been driving or operating a motor vehicle upon the public highways while under the influence of an alcoholic beverage, and that the person had refused to permit the test, shall revoke his license or permit to drive and any nonresident operating privilege for a period of six months shall revoke the person's license or permit to drive and any nonresident operating privilege for a period of six months upon certification that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a vehicle while under the influence of alcohol or a controlled substance and that the person had refused the test. If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

Subd. 5. [NOTICE OF REVOCATION OR DETERMINATION TO DENY; REQUEST FOR HEARING.] No revocation under subdivision 4 shall be made is effective until the commissioner of public safety or a peace officer acting on his behalf notifies the person by certified or registered mail of the intention to revoke and of revocation and allows said the person a 20 day period after the date of receiving said notice to request of the commissioner of public safety, in writing, a hearing as herein provided. If no request is filed within the 20 day period the commissioner of public safety, may then issue an order of revocation the order of revocation becomes effective. However if a request for hearing is filed, no a revocation hereunder shall be made is not effective until a final judicial determination resulting in an a decision adverse decision to said the person.

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a peace officer offering a chemical test or directing the administration of a chemical test may serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 20 days. If a hearing is requested within the 20 day period, the commissioner shall issue additional temporary licenses until the final determination of whether there shall be a revocation under this section. The peace officer shall send the person's drivers license to the commissioner of public safety along with the certificate required by subdivision 4.

Subd. 6. [HEARING.] The *A* hearing *under this section* shall be before a municipal or county judge, learned in the law, in the county where the alleged offense occurred, unless there is agreement that the hearing may be held in some other county. The hearing shall be recorded and proceed as in a criminal matter, without the right of trial by jury, and its scope shall cover the issues of whether the *a* peace officer had reasonable and probable grounds to believe the person was driving or, operating, or in physical control of a motor vehicle while under the influence of an alcoholic beverage alcohol or a controlled substance; whether the person was lawfully placed under arrest, if applicable; whether he refused to permit the test, and if he refused whether he had reasonable grounds for refusing to permit the test; and whether at the time of request for the test the *a* peace officer informed the said person that his right to drive might be revoked or denied if he refused to permit the test and of his right to have additional tests made by a person of his own choosing person of his rights and obligations as required by subdivision 2. The municipal court shall order either that the revocation or denial be rescinded or sustained and refer such the order to the commissioner of public safety for his further action.

Subd. 7. [REVIEW BY DISTRICT COURT.] If the revocation or denial is sustained, the person whose license or permit to drive, or nonresident operating privilege has been revoked or denied, may within 20 days after notice of the determination by the commissioner of public safety file a petition for a hearing of the matter on the record in the district court in the county where the hearing pursuant to subdivision 6 was held unless there is agreement that the hearing may be held in some other county. The petition shall be filed with the clerk of the said court together with proof of service of a copy thereof on the commissioner of public safety. It shall be is the duty of the court to set the matter for hearing on a day certain with reasonable notice thereof to the parties. The matter shall be heard de novo with a right of trial by jury.

Subd. 8. [NOTICE OF ACTION TO OTHER STATES.] When it has been finally determined that a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the commissioner of public safety shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which he has a license.

Sec. 3. Minnesota Statutes 1976, Section 169.127, is amended to read:

169.127 [CHEMICAL TEST REPORTS; REVOCATION; HEARING; REINSTATEMENT.] Subdivision 1. [CHEMICAL TEST REPORTS.] When a peace officer, as defined in section 169.122, subdivision 1, or another person at his direction has administered a chemical test of a person's breath, other than a preliminary screening test, of alcohol content pursuant to section 169.123, he the tester shall report the results of that test to the commissioner of public safety if the test result indicates a blood alcohol content of .10 percent or more by weight of alcohol. When

such peace officer requests and directs the administration and interpretation of a blood or urine test pursuant to section 160.123, the person interpreting such a test at the request of the peace officer shall be fully trained in the interpretation of such tests pursuant to standards of the commissioner of public safety and shall report the results of the test to the commissioner of public safety if the test result indicates a blood alcohol content level of .10 percent or more by weight of alcohol.

Subd. 2. [NOTICE OF REVOCATION; REQUEST FOR HEARING.] The commissioner of public safety shall revoke for a period of 90 days the driver's license, permit or nonresident operating privileges of any person whose blood contains .10 percent or more by weight of alcohol upon the receipt of a record of the blood, breath or urine test administered by or at the direction of a peace officer pursuant to section 169.123. No revocation shall be made *is effective* until the commissioner of public safety notifies the person by certified or registered mail of the intention to revoke and allows the person a 20 day period after the date of receiving the notice to request of the commissioner of public safety in writing, a hearing as herein provided. If a request for hearing is filed, no revocation hereunder shall be made until final judicial determination.

Subd. 2a. On behalf of the commissioner of public safety, a peace officer or other qualified person administering a chemical test may serve immediate notice of intention to revoke and of revocation on the driver upon obtaining a reading of .10 percent or more of blood alcohol. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 20 days. If a hearing is requested within the 20 day period, the commissioner shall issue temporary licenses until the final determination of whether there shall be a revocation under this section. The peace officer shall send the person's drivers license or permit to the commissioner of public safety with the report required by subdivision 1.

If the chemical test administered does not provide an immediate reading of the result, the peace officer shall retain the drivers license or permit and issue to the person a temporary license effective for the period required to obtain a report of the alcohol content. The peace officer or person administering the test shall hold the license until the report is received, at which time the procedure shall be as provided above.

Subd. 3. [HEARING.] The hearing shall be before a municipal or county judge, learned in the law, in the county where the alleged offense occurred, unless there is agreement that the hearing may be held in some other county. The hearing shall be heard as early as practicable but not to exceed 30 days from the receipt of request for hearing unless the court grants a continuance of the hearing. The hearing shall be without the right of trial by jury. The scope of the hearings shall include whether the peace officer had reasonable and probable grounds to believe the person was driving or , operating , or controlling a motor vehicle while under the influence of an alcoholic beverage alcohol or a controlled

substance ; whether the person was lawfully placed under arrest, if applicable; whether the person took the test; whether he was advised of his right to have additional tests made by a person of his own choosing *rights* ; and the validity and reliability of the testing method used and the accuracy of the evaluation of the test results. The municipal or county court shall order that the revocation be sustained or rescinded and refer such *the* order to the commissioner of public safety for his further action.

Subd. 4. [REVIEW BY DISTRICT COURT.] Any person whose license or permit to drive, or nonresident operating privilege has been revoked may within 30 days of receipt of the revocation notice from the commissioner file a petition for hearing of the matter in district court in the county where the hearing pursuant to subdivision 3 was held unless there is agreement that the hearing may be held in some other county. The matter shall be heard by the court pursuant to the provisions of section 171.19 on the typewritten record of the proceedings in the county or municipal court, and the court may exercise the powers of the district court as provided in section 487.39 . Notice to other states shall be as provided in section 169.123, subdivision 8.

Subd. 5. [LIMITED LICENSE.] In any case where a license has been revoked under this section, the commissioner may issue a limited license to the driver. The commissioner in issuing a limited license may impose the conditions and limitations which in his judgment are necessary to the interests of the public safety and welfare including re-examination of the driver's qualifications, attendance at a driver improvement clinic, or attendance at counseling sessions. The license may be limited to the operation of particular vehicles and to particular classes and times of operation. The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under a limited license shall have the license in his possession at all times when operating as a driver. In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

Subd. 6. [REINSTATED LICENSE.] If the commissioner receives notice of the driver's attendance at a driver improvement clinic, attendance at counseling sessions, or participation in treatment for an alcohol problem the commissioner may, after 60 days of the revocation period have elapsed, reinstate the driver's license for the remainder of the revocation period. The commissioner shall not reinstate a license under this subdivision to a driver who has had a license revoked under sections 169.121, 169.123 or Laws 1976, Chapter 341 on a prior occasion during the preceding three year period for another incident.

Sec. 4. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.128] [RULES OF THE COMMISSIONER OF PUBLIC SAFETY.] *The commissioner of public safety may promulgate rules, including emergency rules, to carry out the provisions of*

sections 169.121, 169.123, and 169.127. The rules may include forms for substitute driving permits. The substitute driving permit shall describe clearly the right to a hearing, the procedure for requesting a hearing, and the consequences of failure to request a hearing.

Sec. 5. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.129] [AGGRAVATED VIOLATIONS; PENALTY.] *Any person who drives, operates, or physically controls a motor vehicle, the operation of which requires a driver's license, within this state in violation of section 169.121 before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or physically controlled a motor vehicle while under the influence of alcohol or a controlled substance; or while his blood had an alcohol content above a prescribed level; (2) because he operated a motor vehicle which contained an open bottle containing an intoxicating liquor or nonintoxicating malt liquor which had been opened; or (3) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the municipal or county courts rather than in the district courts, notwithstanding Minnesota Statutes, Section 487.16, or any other law or rule to the contrary.*

Sec. 6. Minnesota Statutes 1976, Section 171.245, is repealed.

Sec. 7. [EFFECTIVE DATE.] *Section 4 of this act is effective the day following final enactment. The remainder of sections 1 to 6 is effective September 1, 1977, and shall apply to all offenses committed on or after that date. Cases pending in the courts of this state on September 1, 1977 shall be subject to the procedures set forth in this act for adjudication and appellate review of the relevant offenses."*

Amend the title as follows:

Strike lines 2 to 16 and insert:

"relating to highway traffic regulations; driving under the influence of alcohol or controlled substances; chemical tests and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary licenses under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 914, 616, 872, 499, 498, 181, 177, 362, 191, 617 and H. F. Nos. 621, 42, and 176, makes the following report:

That S. F. Nos. 914, 616, 872, 499, 498, 181, 177, 362, 191, 617 and H. F. Nos. 621, 42 and 176 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred

H. F. Nos. 521, 563, 307 and 558 for comparison to companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their Second Readings and substituted for 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.
521	536				
563	537			558	257
307	159				

and that the above Senate Files be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which were referred

H. F. Nos. 339, 586 and 524 for comparison to 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.
339	238				
586	705				
524	673				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 339 be amended as follows:

Page 2, lines 7 and 8, delete "*a labor surplus area by the United States department of commerce*" and insert "*an area of substantial or persistent unemployment by the United States department of labor*"

Page 2, line 11, delete "*, regulations*"

Page 3, line 6, after "*1*" insert "*, clause*"

Page 3, line 11, delete "*\$200,000*" and insert "*\$1,000,000*"

Page 3, lines 14 and 15, delete "*pursuant to*" and insert "*to a small business under*"

Page 3, line 15, delete "*subdivisions 2 and 3*" and insert "*sub-division 2*"

And when so amended, H. F. No. 339 will be identical to S. F. No. 238 and further recommends that H. F. No. 339 be given its second reading and substituted for S. F. No. 238 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 586 be amended as follows:

Page 5, delete lines 18 to 23 and insert
"thereof. *Upon request of a majority of the members of the senate tax committee and a majority of the members of the house tax committee, the commissioner may furnish abstracted financial information to those committees for research purposes from returns or reports filed pursuant to this chapter, provided that he shall not disclose the name, address, social security number, business identification number or any other item of information associated with any return or report which the commissioner believes is likely to identify the taxpayer.*"

Further amend the title in line 2, after the semicolon insert
"providing for certain disclosures of"

And when so amended, H. F. No. 586 will be identical to S. F. No. 705 and further recommends that H. F. No. 586 be given its second reading and substituted for S. F. No. 705 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 524 be amended as follows:

Page 1, line 17, delete "*shall take effect*" and insert "*is effective*"

And when so amended, H. F. No. 524 will be identical to S. F. No. 673 and further recommends that H. F. No. 524 be given its second reading and substituted for S. F. No. 673 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 826, 847 and 919 were read the second time.

S. F. Nos. 558, 903, 664, 426, 972, 999, 833 and 804 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 521, 563, 307, 558, 339, 586 and 524 were read the second time.

H. F. No. 75 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Tennesen moved that the name of Mr. Merriam be added as co-author to S. F. No. 999. The motion prevailed.

Mr. Ashbach moved that the name of Mr. Lessard be added as co-author to S. F. No. 1206. The motion prevailed.

Mr. Luther moved that the name of Mr. Johnson be added as co-author to S. F. No. 1229. The motion prevailed.

Mrs. Brataas moved that the name of Mr. Knutson be stricken and the name of Mr. Lessard be added as co-author to S. F. No. 1232. The motion prevailed.

Mr. Strand moved that the name of Mr. Olhoft be added as co-author to S. F. No. 1235. The motion prevailed.

Mr. Strand moved that the name of Mr. Gunderson be added as co-author to S. F. No. 1240. The motion prevailed.

Mr. Benedict moved that the name of Mr. Tennesen be stricken and the name of Mr. Lessard be added as co-author to S. F. No. 1244. The motion prevailed.

Mr. Willet moved that the names of Messrs. Nichols, Peterson and Setzepfandt be added as co-authors to S. F. No. 1201. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1072 a Special Order to be heard immediately.

S. F. No. 1072: A bill for an act relating to appropriations; appropriating money for the fiscal year ending June 30, 1977.

Mr. Moe moved to amend S. F. No. 1072 as follows:

Page 1, line 12, strike "\$10,639,770" and insert "\$10,403,778"

Page 1, strike all of section 3

Renumber the remaining section

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend S. F. No. 1072 as follows:

Page 1, after line 22 insert:

"Sec. 4. Commissioner of Public Welfare

This appropriation represents an amount necessary to provide welfare allowances for clothing and personal needs for individuals receiving medical assistance while confined in any skilled nursing home or intermediate care facility in this state for \$50 per month since July 1, 1976.

\$3,750,000"

Renumber the remaining section.

Mr. Moe raised a point of order as to the germaneness of the amendment.

The President ruled the amendment was out of order.

S. F. No. 1072 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	Laufenburger	Peterson	Staples
Ashbach	Gearty	Lessard	Pillsbury	Stokowski
Bang	Gunderson	Lewis	Purfeerst	Strand
Benedict	Hanson	Luther	Renneke	Stumpf
Bernhagen	Hughes	Menning	Schaaf	Tenessen
Borden	Jensen	Milton	Schmitz	Ueland, A.
Brataas	Johnson	Moe	Schrom	Ulland, J.
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Vega
Coleman	Keefe, S.	Nichols	Sieloff	Wegener
Davies	Kirchner	Olhoff	Sikorski	Willet
Dieterich	Kleinbaum	Olson	Sillers	
Dunn	Knoll	Penny	Solon	
Engler	Knutson	Perpich	Spear	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 872 a Special Order to be heard immediately.

S. F. No. 872: A bill for an act relating to state government; closing Hastings state hospital.

Mr. Vega moved to amend S. F. No. 872 as follows:

Page 1, after line 18, insert a new section to read:

“Sec. 3. Subdivision 1. The sum of \$100,000 is appropriated to the commissioner of public welfare for distribution to Dakota county, Ramsey county and Washington county for the period year ending December 31, 1977, for planning of a community based mental illness and chemical dependency treatment program serving Dakota county, Ramsey county and Washington county.

Subd. 2. The sum of \$3,400,000 is appropriated to the commissioner of public welfare for distribution to the county boards of Dakota county, Ramsey county and Washington county for the biennium ending June 30, 1979, for the implementation of a community based mental illness and chemical dependency treatment program serving Dakota county, Ramsey county and Washington county.

Subd. 3. The monies appropriated pursuant to subdivisions 1

and 2 shall be allocated to Dakota county, Ramsey county and Washington County on a per capita basis using the most current metropolitan council population estimates.”

Further, amend the title as follows:

Page 1, line 3, after “hospital” insert “; providing for community based treatment programs; appropriating money”

CALL OF THE SENATE

Mr. Perpich imposed a call of the Senate. The following Senators answered to their names:

Anderson	Dunn	Kleinbaum	Ogdahl	Sillers
Ashbach	Engler	Knoll	Olson	Spear
Bang	Frederick	Knutson	Penny	Staples
Benedict	Gearty	Lessard	Perpich	Stokowski
Bernhagen	Gunderson	Luther	Peterson	Strand
Borden	Hanson	McCutcheon	Pillsbury	Stumpf
Brataas	Hughes	Menning	Renneke	Ueland, A.
Chenoweth	Jensen	Merriam	Schaaf	Ulland, J.
Chmielewski	Johnson	Milton	Schmitz	Wegener
Coleman	Keefe, J.	Moe	Schrom	Willet
Davies	Keefe, S.	Nelson	Setzepfandt	
Dieterich	Kirchner	Nichols	Sikorski	

The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Vega amendment.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 47, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knutson	Sieloff	Ueland, A.
Benedict	Frederick	McCutcheon	Sikorski	Vega
Bernhagen	Hughes	Nelson	Sillers	
Chenoweth	Johnson	Olson	Stumpf	

Those who voted in the negative were:

Anderson	Gunderson	Luther	Peterson	Staples
Bang	Hanson	Menning	Pillsbury	Stokowski
Borden	Jensen	Merriam	Purfeerst	Strand
Brataas	Keefe, J.	Milton	Renneke	Tenneke
Chmielewski	Keefe, S.	Moe	Schaaf	Ulland, J.
Coleman	Kirchner	Nichols	Schmitz	Wegener
Davies	Knoll	Ogdahl	Schrom	Willet
Dieterich	Laufenburger	Olhoft	Setzepfandt	
Dunn	Lessard	Penny	Solon	
Gearty	Lewis	Perpich	Spear	

The motion did not prevail. So the amendment was not adopted.

S. F. No. 872 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 7, as follows:

Anderson	Hanson	Lewis	Perpich	Solon
Ashbach	Humphrey	Luther	Peterson	Spear
Benedict	Jensen	Menning	Pillsbury	Staples
Borden	Johnson	Merriam	Purfeerst	Stokowski
Brataas	Keefe, J.	Milton	Renneke	Strand
Chmielewski	Keefe, S.	Moe	Schaaf	Stumpf
Coleman	Kirchner	Nelson	Schmitz	Tennessee
Davies	Kleinbaum	Nichols	Schrom	Ueland, A.
Dieterich	Knoll	Ogdahl	Setzepfandt	Ulland, J.
Dunn	Knutson	Olhoft	Sieloff	Wegener
Gearty	Laufenburger	Olson	Sikorski	Willet
Gunderson	Lessard	Penny	Sillers	

Those who voted in the negative were:

Bang	Chenoweth	Frederick	McCutcheon	Vega
Bernhagen	Engler			

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Davies moved that S. F. No. 1112 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Health, Welfare and Corrections. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 13: A bill for act relating to jurisdiction over federal lands; permitting acceptance by the state of retrocession of jurisdiction over federal lands by federal agencies; amending Minnesota Statutes 1976, Section 1.043; and Chapter 1, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Lessard	Penny	Solon
Ashbach	Frederick	Lewis	Perpich	Spear
Bang	Gearty	Luther	Peterson	Staples
Benedict	Gunderson	McCutcheon	Pillsbury	Stokowski
Bernhagen	Hanson	Menning	Purfeerst	Strand
Borden	Hughes	Merriam	Renneke	Stumpf
Brataas	Jensen	Milton	Schaaf	Tennessee
Chenoweth	Johnson	Moe	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Schrom	Ulland, J.
Coleman	Kleinbaum	Nichols	Setzepfandt	Vega
Davies	Knoll	Ogdahl	Sieloff	Wegener
Dieterich	Knutson	Olhoft	Sikorski	Willet
Dunn	Laufenburger	Olson	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 345: A bill for act relating to the Minnesota municipal board; providing for per diem compensation and reimbursement of expenses for board members; amending Minnesota Statutes 1976, Section 414.01, Subdivision 6a.

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lewis	Perpich	Spear
Ashbach	Gearty	Luther	Peterson	Staples
Bang	Gunderson	McCutcheon	Pillsbury	Stokowski
Benedict	Hanson	Menning	Purfeerst	Strand
Bernhagen	Hughes	Merriam	Renneke	Stumpf
Borden	Humphrey	Milton	Schaaf	Tennessee
Brataas	Jensen	Moe	Schmitz	Ueland, A.
Chenoweth	Johnson	Nelson	Schrom	Ulland, J.
Chmielewski	Kleinbaum	Nichols	Setzepfandt	Vega
Coleman	Knoll	Ogdahl	Sieloff	Wegener
Davies	Knutson	Olhoft	Sikorski	Willet
Dunn	Laufenburger	Olson	Sillers	
Engler	Lessard	Penny	Solon	

Messrs. Dieterich and Keefe, J. voted in the negative.

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 231: A bill for act relating to transportation; permitting advertising on bus shelters and trash receptacles on highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 27, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lewis	Purfeerst	Staples
Bang	Gearty	Menning	Renneke	Stokowski
Bernhagen	Gunderson	Milton	Schmitz	Strand
Borden	Hughes	Nichols	Schrom	Tennessee
Brataas	Jensen	Ogdahl	Setzepfandt	Ueland, A.
Chmielewski	Keefe, S.	Olson	Sieloff	Ulland, J.
Dunn	Kleinbaum	Penny	Sillers	Vega
Engler	Laufenburger	Pillsbury	Solon	

Those who voted in the negative were:

Anderson	Hanson	Lessard	Olhoft	Stumpf
Benedict	Humphrey	Luther	Perpich	Wegener
Chenoweth	Johnson	McCutcheon	Peterson	Willet
Coleman	Keefe, J.	Merriam	Schaaf	
Davies	Knoll	Moe	Sikorski	
Dieterich	Knutson	Nelson	Spear	

So the bill passed and its title was agreed to.

H. F. No. 291: A bill for an act relating to education; school districts; joint powers; authorizing joint boards to acquire certain property for data processing; amending Minnesota Statutes 1976, Section 123.73.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Perpich	Staples
Ashbach	Gearty	Lewis	Peterson	Stokowski
Bang	Gunderson	Luther	Pillsbury	Strand
Benedict	Hanson	McCutcheon	Purfeerst	Stumpf
Bernhagen	Hughes	Menning	Renneke	Tennessee
Borden	Humphrey	Merriam	Schaaf	Ueland, A.
Brataas	Jensen	Milton	Schmitz	Ulland, J.
Chenoweth	Johnson	Moe	Schrom	Vega
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Wegener
Coleman	Keefe, S.	Nichols	Sieloff	Willet
Davies	Kleinbaum	Ogdahl	Sikorski	
Dieterich	Knoll	Olhoff	Sillers	
Dunn	Knutson	Olson	Solon	
Engler	Laufenburger	Penny	Spear	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 827: A bill for act relating to the city of Duluth; authorizing the establishment and administration of a city housing finance program and expenditures for the purpose; providing for the issuance of revenue bonds.

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 57 and nays 4, as follows:

Those who voted in the affirmative were:

Bang	Gunderson	Luther	Pillsbury	Staples
Benedict	Hanson	Menning	Purfeerst	Stokowski
Bernhagen	Hughes	Milton	Renneke	Strand
Brataas	Humphrey	Moe	Schaaf	Stumpf
Chenoweth	Jensen	Nelson	Schmitz	Ueland, A.
Chmielewski	Johnson	Nichols	Schrom	Ulland, J.
Coleman	Keefe, J.	Ogdahl	Setzepfandt	Vega
Dieterich	Kleinbaum	Olhoff	Sieloff	Wegener
Dunn	Knoll	Olson	Sikorski	Willet
Engler	Knutson	Penny	Sillers	
Frederick	Laufenburger	Perpich	Solon	
Gearty	Lessard	Peterson	Spear	

Messrs. Davies, McCutcheon, Merriam and Tennessee voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 828: A bill for act relating to the city of Duluth; authorizing the city to acquire, construct, and maintain parking facilities and to finance same.

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 53 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Staples
Ashbach	Gearty	Lessard	Peterson	Stokowski
Bang	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Brataas	Humphrey	Menning	Renneke	Ueland, A.
Chenoweth	Jensen	Moe	Schaaf	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Vega
Coleman	Keefe, J.	Nichols	Sieloff	Wegener
Dieterich	Kleinbaum	Olhoft	Sikorski	Willet
Dunn	Knoll	Olson	Solon	
Engler	Knutson	Penny	Spear	

Those who voted in the negative were:

Benedict	Davies	Gunderson	Merriam	Tennessee
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So the bill passed and its title was agreed to.

H. F. No. 661: A bill for act relating to highway traffic regulations; exempting trucks engaged in hauling hay from certain weight restrictions during a specified period of time.

With the unanimous consent of the Senate, Mr. Wegener moved to amend H. F. No. 661 as follows:

Page 1, line 10, after "engaged" insert "exclusively"

The motion prevailed. So the amendment was adopted.

H. F. No. 661 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:

Ashbach	Frederick	Lessard	Perpich	Spear
Bang	Gearty	Luther	Peterson	Staples
Benedict	Gunderson	McCutcheon	Pillsbury	Stokowski
Bernhagen	Hanson	Menning	Purfeerst	Strand
Brataas	Hughes	Merriam	Renneke	Stumpf
Chenoweth	Humphrey	Moe	Schaaf	Tennessee
Chmielewski	Jensen	Nelson	Schmitz	Ueland, A.
Coleman	Johnson	Nichols	Setzepfandt	Ulland, J.
Davies	Keefe, J.	Ogdahl	Sieloff	Vega
Dieterich	Kleinbaum	Olhoft	Sikorski	Wegener
Dunn	Knutson	Olson	Sillers	Willet
Engler	Laufenburger	Penny	Solon	

So the bill, as amended, passed and its title was agreed to.

H. F. No. 21: A bill for act relating to elections; providing that certificates of election to the legislature be sent to the legislature; amending Minnesota Statutes 1976, Section 204A.54, Subdivision 1.

With the unanimous consent of the Senate, Mr. Schmitz moved to amend H. F. No. 21 as follows:

Page 2, line 1, after "senate" insert "*and shall be returned to the senator or representative upon taking the oath of office*"

Amend the title as follows:

Line 4, after "legislature" insert "and returned to the member"

The motion prevailed. So the amendment was adopted.

H. F. No. 21 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 55 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Olson	Sikorski
Bang	Gunderson	Lessard	Penny	Sillers
Benedict	Hanson	Luther	Perpich	Solon
Bernhagen	Hughes	McCutcheon	Peterson	Staples
Brataas	Humphrey	Menning	Pillsbury	Stokowski
Chenoweth	Jensen	Merriam	Purfeerst	Strand
Chmielewski	Johnson	Moe	Renneke	Stumpf
Coleman	Keefe, J.	Nelson	Schaaf	Ulland, A.
Dieterich	Kleinbaum	Nichols	Schmitz	Ulland, J.
Engler	Knoll	Ogdahl	Setzepfandt	Vega
Frederick	Knutson	Olhoft	Sieloff	Wegener

Messrs. Davies, Spear, Tennessen and Willet voted in the negative.

So the bill, as amended, passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. No. 651, which the committee recommends to pass.

S. F. No. 57, which the committee recommends to pass with the following amendment offered by Mr. Kleinbaum:

Page 1, line 22, after "*possession*" insert "*or consumption*"

Page 2, line 1, strike "*post-secondary*" and insert "*state university*"

Page 2, line 2, strike "*its*" and insert "*the*"

Page 2, line 2, after "*grounds*" insert "*of a state university*"

Page 2, line 2, after "*possession*" insert "*or consumption*"

Page 2, line 4, strike "*by the appropriate governing body of*" and insert "*for*"

Page 2, line 5, strike "*post-secondary institution*" and insert "*state university by the state university board*"

S. F. No. 478, which the committee recommends to pass with the following amendment offered by Mr. Ulland, J.:

Page 1, line 11, reinstate the stricken "100,000" and strike "95,000"

Page 1, line 12, after "inhabitants" insert "*provided that once a city is defined to be of the first class, it shall not be reclassified unless its population decreases by twenty-five percent from the census figures which last qualified the city for inclusion in the class*"

Page 1, line 14, reinstate the stricken "100,000" and strike "95,000"

S. F. No. 105 which the committee reports progress, subject to the following motion:

Mr. Davies moved to amend S. F. No. 105 as follows:

Page 3, line 24, after "not" insert "*within a reasonable time after being informed thereof*"

Page 3, line 25, strike "*within a reasonable time after*"

Page 3, line 26, strike "*being informed thereof,*"

Page 5, line 13, strike "*Any interested party may bring*"

Page 5, line 13, strike "at" and insert "*to determine*"

Page 5, line 14, strike "*any time for the purpose of determining*"

Page 5, line 16, after "(e)" and before the period insert "*may be brought at any time by the child, the mother or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor*"

Page 5, line 30, strike "*or child*"

Page 5, line 30, after "section" and before the period insert "*by the child or the public authority chargeable by law with the support of the child*"

Page 6, line 4, strike "*without the concurrence of an adoptive*"

Page 6, line 5, strike "*parent*"

Page 10, line 24, strike "*a provision*" and insert "*provisions*"

Page 10, strike lines 25 and 26

Page 10, line 28, after the first comma insert "*the name of the child,*"

Page 11, line 6, strike the second "the" and insert "*other form of payment*"

Page 11, line 7, strike "*purchase of an annuity*"

Page 12, line 23, strike "*the uniform reciprocal enforcement of*" and insert "*sections 518.41 to 518.53*"

Page 12, line 24, strike "*support act*"

Page 12, line 26, after "*jurisdiction*" insert "*based on substantial change of circumstances*"

Page 12, strike lines 31 and 32

Page 13, line 1, strike "*subdivision 4, may specify*" and insert "*to the extent that the court specifies*"

Page 14, line 3, strike "*Any interested party*" and insert "*A child, the father or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the father if the father has died, a woman alleged or alleging herself to be the mother, or the personal representative or a parent of the alleged mother if the alleged mother has died or is a minor*"

Page 14, line 9, strike "*Any*" and insert "*A person's signed*"

Page 14, line 9, strike "*in writing*"

Page 15, line 6, strike "*CUSTODIAL*" and insert "*ADOPTION; TERMINATION*"

Page 15, line 15, strike "*unless the father's relationship to the*" and insert "*as provided in section 259.26.*"

Page 15, strike lines 16 to 19

Page 16, line 17, after "*the*" insert "*termination*"

Page 17, line 8, strike "*adoption*" and insert "*termination*"

Page 20, lines 13 to 19, restore the stricken language

Page 20, line 32, strike "*order*" and insert "*new certificate*"

Page 21, strike section 32

Page 24, line 25, after "*decree*" and before the comma insert "*or a decree of dissolution*"

Page 28, lines 22 to 25, restore the stricken language

Page 29, lines 24 and 26, strike "*an adoption*" and insert "*a termination*"

Page 29, line 29, restore the stricken "259.26"

Page 29, line 32, strike "25"

Pages 30 and 31, strike sections 45 and 46

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, strike "144.175, Subdivision 2;"

Page 1, line 15, after the fourth semicolon insert "and"

Page 1, line 16, strike "525.172; and 525.173;"

The motion prevailed. So the amendment was adopted.

S. F. No. 105 was then progressed.

S. F. No. 265 which the committee reports progress, subject to the following motions:

Mr. Schrom moved to amend S. F. No. 265 as follows:

Page 1, after line 14, insert:

“Sec. 2. This act shall be effective the day following final enactment.”

The motion prevailed. So the amendment was adopted.

Mr. Schaaf moved to amend S. F. No. 265 as follows:

Page 1, line 9, after “Section 1.” insert “[RESTORATION OF CERTAIN TOWN ROADS.] Subdivision 1. [LIABILITY OF PERSONS UTILIZING ROAD BUILDING MATERIALS.]”

Page 1, line 10, after “shall” insert “restore or shall”

Page 1, after line 14, insert:

“Subd. 2. [CONTRACTS BY POLITICAL SUBDIVISIONS.] Whenever a political subdivision and a private contractor enter a contract that contemplates the transporting of road building materials by that contractor or a subcontractor over a town road, the political subdivision shall require, as a term of that contract, that the contractor assume the liability of the political subdivision under subdivision 1.”

The motion prevailed. So the amendment was adopted.

S. F. No. 265 was then progressed.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Thursday, April 14, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 14, 1977

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Engler	Laufenburger	Olhoft	Spear
Ashbach	Frederick	Lessard	Penny	Staples
Benedict	Gearty	Lewis	Peterson	Stokowski
Borden	Gunderson	Luther	Pillsbury	Strand
Brataas	Hanson	McCutcheon	Purfeerst	Stumpf
Chenoweth	Hughes	Menning	Renneke	Tennessee
Chmielewski	Johnson	Merriam	Schaaf	Ueland, A.
Coleman	Keefe, S.	Milton	Schmitz	Vega
Davies	Kirchner	Moe	Schrom	Wegener
Dieterich	Kleinbaum	Nelson	Sieloff	Willet
Dunn	Knoll	Ogdahl	Sikorski	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Roy M. Lindquist.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Peterson	Stokowski
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Borden	Humphrey	Menning	Renneke	Tennessee
Brataas	Jensen	Merriam	Schaaf	Ueland, A.
Chenoweth	Johnson	Milton	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schrom	Vega
Coleman	Keefe, S.	Nelson	Setzpfandt	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olhoft	Sillers	
Engler	Knutson	Olson	Solon	

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. Sieloff was excused from the Session of today at 11:30 o'clock a.m. Mr. McCutcheon was excused from the Session of today at 12:00 o'clock noon.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 12, 1977

The Honorable Martin O. Sabo
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 1977 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 1977	Date Filed 1977
74		20	April 12	April 12
86		21	April 12	April 12

Sincerely,

Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Sikorski, Vega, Purfeerst, Penny and Luther introduced—

S. F. No. 1300: A bill for an act relating to transportation; highway beautification; authorizing the removal of unsafe buildings under certain conditions; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

Referred to the Committee on Transportation.

Mr. Willet introduced—

S. F. No. 1301: A bill for an act relating to the counties of Beltrami and Clearwater; county law library fees; authorizing assessments of fees upon conviction of petty misdemeanor offenses; amending Laws 1976, Chapter 290, Section 4.

Referred to the Committee on Judiciary.

Messrs. Peterson, Willet, Olhoft and Lessard introduced—

S. F. No. 1302: A bill for an act relating to transportation; providing for certain permitted advertising signs on federal primary aid highways; amending Minnesota Statutes 1976, Sections 173.03; 173.08; 173.13, Subdivision 1; and 173.16, Subdivision 1.

Referred to the Committee on Transportation.

Mr. Engler introduced—

S. F. No. 1303: A bill for an act relating to natural resources; empowering the commissioner of natural resources to negotiate for the creation of a fish refuge.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther, Benedict and Sikorski introduced—

S. F. No. 1304: A bill for an act relating to landlords and tenants; requiring notice of rent increase; amending Minnesota Statutes 1976, Chapter 504, by adding a section.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Hanson, Coleman and Borden introduced—

S. F. No. 1305: A bill for an act relating to taconite; increasing the tax on taconite production and providing for the distribution of its proceeds; establishing a taconite area environmental protection council and fund; imposing a tailings tax; increasing the tax on unmined taconite; requiring owners and lessees of mineral rights to file exploration data with the commissioner of revenue; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 273.134; 294.26; 298.03; 298.22, Subdivision 1; 298.24, Subdivisions 1 and 2; 298.244, Subdivision 2; 298.25; 298.26; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; and Chapter 298, by adding a section; repealing Minnesota Statutes 1976, Sections 294.27; 294.28; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; and 298.281.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kleinbaum introduced—

S. F. No. 1306: A bill for an act relating to liquor; minimum resale prices for off-sale sales at retail; providing a penalty.

Referred to the Committee on Commerce.

Messrs. Sikorski, Luther, Nelson, Nichols and Mrs. Staples introduced—

S. F. No. 1307: A bill for an act relating to the operation of state government; providing for the expiration or periodic re-evaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Dunn, Wegener, Schrom, Schmitz and Ueland, A. introduced—

S. F. No. 1308: A bill for an act relating to counties; commissioner districts; standards for redistricting; amending Minnesota Statutes 1976, Section 375.025, Subdivisions 1 and 4.

Referred to the Committee on Local Government.

Messrs. Davies, Tennessen and Sieloff introduced—

S. F. No. 1309: A bill for an act relating to tax-forfeited land; providing time limitations for bringing actions; providing procedures for settling tax titles; amending Minnesota Statutes 1976, Section 284.28; and Chapter 541, by adding a section; repealing Minnesota Statutes 1976, Sections 284.09 and 284.22.

Referred to the Committee on Judiciary.

Messrs. Davies; Keefe, S.; Gearty and Ulland, J. introduced—

S. F. No. 1310: A bill for an act relating to elections; prohibiting infiltration and sabotage of political campaigns; providing penalties; amending Minnesota Statutes 1976, Chapter 210A, by adding a section.

Referred to the Committee on Elections.

Messrs. Keefe, S. and Laufenburger introduced—

S. F. No. 1311: A bill for an act relating to public employees; excluding supervisory employees from certain bargaining units; amending Minnesota Statutes 1976, Section 179.65, Subdivision 6.

Referred to the Committee on Employment.

Messrs. Bang, Humphrey, Lewis and Ogdahl introduced—

S. F. No. 1312: A bill for an act relating to county parks and parks and park districts; qualifications and compensation of commissioners; amending Minnesota Statutes 1976, Section 398.05.

Referred to the Committee on Local Government.

Mr. Jensen introduced—

S. F. No. 1313: A bill for an act relating to courts; allowance of costs and disbursements in county courts; amending Minnesota Statutes 1976, Section 487.23, Subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Knutson and Sikorski introduced—

S. F. No. 1314: A bill for an act relating to uses and trusts; providing for the application to and limitation of certain general trust statutes in relation to industrial revenue bonds; amending Minnesota Statutes 1976, Sections 501.34 and 501.37.

Referred to the Committee on Judiciary.

Messrs. Davies, Merriam, Peterson, Olhoft and Jensen introduced—

S. F. No. 1315: A bill for an act relating to taxation; tax increment financing; eliminating tax increment financing from municipal industrial development act; amending Minnesota Statutes 1976, Section 474.10, Subdivision 3; repealing Minnesota Statutes 1976, Section 474.10, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Stokowski, Bernhagen, Peterson and Olhoft introduced—

S. F. No. 1316: A bill for an act relating to taxation; tax increment financing; prohibiting modifications in geographic areas of tax increment financing districts.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Johnson, Sillers, Peterson and Hanson introduced—

S. F. No. 1317: A bill for an act relating to taxation; limiting tax increment financing projects to certain redevelopment areas.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Setzepfandt, Merriam, Peterson and Jensen introduced—

S. F. No. 1318: A bill for an act relating to taxation; tax increment financing; including tax increment financing bonds in municipal net debt.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Merriam, Wegener, Setzepfandt and Sieloff introduced—

S. F. No. 1319: A bill for an act relating to taxation; including captured assessed value from tax increment districts in taxable property of school districts for assessment purposes; amending Minnesota Statutes 1976, Section 124.212, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Hanson, Wegener, Setzepfandt and Jensen introduced—

S. F. No. 1320: A bill for an act relating to taxation; tax increment financing; limiting administrative costs of tax increment financing projects.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Hanson, Wegener, Setzepfandt and Jensen introduced—

S. F. No. 1321: A bill for an act relating to taxation; tax increment financing; requiring use of excess tax increments for paying future shortages or advance repayment of obligations.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Johnson, Setzepfandt, Merriam and Bernhagen introduced—

S. F. No. 1322: A bill for an act relating to taxation; excluding from tax increments certain businesses requiring charters or certificates of convenience and advantage from state or federal agencies.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Johnson, Merriam, Hanson and Stokowski introduced —

S. F. No. 1323: A bill for an act relating to taxation; tax increment financing; prohibiting use of tax increment funds for tax-exempt public improvements.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Johnson, Sieloff, Hanson and Sillers introduced—

S. F. No. 1324: A bill for an act relating to taxation; tax increment financing; limiting the size of tax increment districts.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Hanson, Johnson, Sillers and Setzepfandt introduced—

S. F. No. 1325: A bill for an act relating to taxation; tax increment financing; requiring contracts with developers before establishment of tax increment financing districts.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Hanson, Johnson, Setzepfandt and Sieloff introduced—

S. F. No. 1326: A bill for an act relating to taxation; providing a method of computing captured assessed value for purposes of tax increment financing.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Hanson, Johnson, Sieloff and Stokowski introduced—

S. F. No. 1327: A bill for an act relating to taxation; tax increment financing; providing for consultation with county commissioners and school board on tax increment financing plans.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Setzepfandt, Sieloff, Sillers and Stokowski introduced—

S. F. No. 1328: A bill for an act relating to taxation; tax increment financing; including value of certain tax exempt property in original assessed value of tax increment districts.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knoll introduced—

S. F. No. 1329: A bill for an act relating to housing; providing for energy conservation; requiring certain publicly assisted and private housing to conform to state building code insulation requirements; requiring housing authorities to provide emergency housing; amending Minnesota Statutes 1976, Sections 462.415, by adding a subdivision; 462.465, by adding a subdivision; 462A.05, by adding subdivisions; 462A.07, Subdivision 6; 462A.21, by adding a subdivision; and Chapter 462, by adding a section.

Referred to the Committee on Energy and Housing.

Messrs. Bernhagen, Merriam, Strand and Engler introduced—

S. F. No. 1330: A bill for an act relating to pesticides; actions for injury resulting from application; limitation of time; amending Minnesota Statutes 1976, Chapter 18A by adding a section; and Section 541.07.

Referred to the Committee on Judiciary.

Mr. Bernhagen introduced—

S. F. No. 1331: A bill for an act relating to the city of Litchfield; firemen's service pensions.

Referred to the Committee on Governmental Operations.

Mr. Ueland, A. introduced—

S. F. No. 1332: A bill for an act relating to Nicollet county; providing for official county publications.

Referred to the Committee on Local Government.

Mr. Sikorski, Mrs. Staples, Messrs. Benedict, Luther and Dieterich introduced—

S. F. No. 1333: A bill for an act relating to environmental lawsuits; authorizing the awarding of attorneys' fees in certain instances; eliminating certain surety bond requirements; amending Minnesota Statutes 1976, Sections 116B.03, by adding a subdivision; and 562.02.

Referred to the Committee on Judiciary.

Mr. Perpich introduced—

S. F. No. 1334: A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Section 252.27, Subdivisions 1 and 2.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Perpich introduced—

S. F. No. 1335: A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Borden introduced—

S. F. No. 1336: A bill for an act relating to state lands; authorizing the conveyance of certain lands in Aitkin county.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Nelson, Chenoweth, McCutcheon, Ogdahl and Borden introduced—

S. F. No. 1337: A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, and 17, and by adding a subdivision; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

Referred to the Committee on Governmental Operations.

Mr. Davies introduced—

S. F. No. 1338: A bill for an act relating to automobile insurance; clarifying certain ambiguous provisions in the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1976, Sections 65B.44, Subdivision 3; 65B.49, Subdivisions 4 and 6; 65B.51, Subdivision 1; and 65B.53, Subdivision 1.

Referred to the Committee on Commerce.

Mr. Knoll introduced—

S. F. No. 1339: A bill for an act relating to the Minnesota housing finance agency; providing for unclassified employees; amending Minnesota Statutes 1976, Section 43.09, Subdivision 2a.

Referred to the Committee on Governmental Operations.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 401.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1977

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 301.

H. F. No. 301: A bill for an act relating to veterans; establishing a deadline for entering military service and becoming eligible for veterans preference; redefining the term "veteran" for certain other purposes; amending Minnesota Statutes 1976, Sections 43.30 and 197.447.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Kostohryz; Nelsen, B. and McCarron have been appointed as such committee on the part of the House.

House File No. 301 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 April 13, 1977

Mr. Laufenburger moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 301, 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 House Files, herewith transmitted: H. F. Nos. 76, 425, 500, 502 and 886.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 13, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 76: A bill for an act relating to highways; providing for the removal of trees, shrubs and other obstructions within highway limits; amending Minnesota Statutes 1976, Sections 160.22, Subdivision 8; and 160.27, Subdivision 6; repealing Minnesota Statutes 1976, Section 160.22, Subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 443, now on General Orders.

H. F. No. 425: A bill for an act relating to municipalities; authorizing appropriations for historical work; amending Minnesota Statutes 1976, Section 471.93.

Referred to the Committee on Local Government.

H. F. No. 500: A bill for an act relating to financial institutions; regulating lenders of conventional mortgage loans; regulating mortgages and escrow accounts; requiring registration and reporting; regulating installment loans; abolishing a usury exception; providing an extension of a usury exception; providing a penalty; amend-

ing Minnesota Statutes 1976, Sections 47.20; 48.153; 334.01, Subdivision 2; and 334.06.

Referred to the Committee on Rules and Administration.

H. F. No. 502: A bill for an act relating to Hennepin county; authorizing compensation for Hennepin county park reserve district commissioners and Hennepin county library board members.

Referred to the Committee on Local Government.

H. F. No. 886: A bill for an act relating to education; school districts; community services levy; authorizing meeting notices to satisfy compliance requirement of meetings with municipalities; amending Minnesota Statutes 1976, Section 275.125, Subdivision 8.

Referred to the Committee on Education.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the reports on S. F. Nos. 632 and 978 be now adopted. The motion prevailed.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 668: A bill for an act relating to financial institutions; regulating lenders of conventional mortgage loans; regulating mortgages and escrow accounts; requiring registration and reporting; regulating installment loans; abolishing a usury exception; providing a penalty; amending Minnesota Statutes 1976, Sections 47.20; 48.153; and 334.06.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, after "*the*" insert "*administrator of the*"

Page 3, lines 14 to 16, restore the stricken language

Page 3, line 16, after the period add "*That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed and if third parties perform and charge the borrower for the service for which the lender has imposed the charge.*"

Page 3, line 23, before the comma insert "*or made pursuant to section 334.011*"

Page 3, line 26, after "*which*" insert "*at the time the loan is made it is intended that*"

Page 4, line 3, strike "*developing*" and insert "*arranging for building*"

Page 4, line 3, strike " , *including the*"

Page 4, strike line 4

Page 4, line 5, strike "*townhouses,*"

Page 4, line 5, strike "*such*" and insert "*the*"

Page 4, line 7, strike "*such*"

Page 4, line 7, after "*units*" insert " , *or a fee or other consideration paid to a lender for the purpose of securing a commitment by the lender to make conventional loans to credit worthy purchasers of apartments as defined in section 515.02 to be created out of existing structures pursuant to the Minnesota condominium act, by a person creating the apartments*"

Page 4, line 19, strike "to the person obtaining the conventional loan"

Page 4, line 22, after "*holder*" insert "*or assignee*"

Page 5, line 10, strike "*or portion*"

Page 5, line 11, strike "*of a structure*"

Page 5, line 11, after "*purposes*" insert "*or any portion thereof,*"

Page 5, line 12, strike " , *condominium*"

Page 5, line 13, after "*development,*" insert "*a condominium apartment,*"

Page 6, line 11, strike "board of governors of the Federal"

Page 6, strike line 12

Page 6, line 13, strike "in the monthly Federal Reserve Bulletin" and insert "*United States treasury department and published by the department in the monthly treasury bulletin*"

Page 6, line 16, strike "entered into" and insert "*made*"

Page 6, line 29, strike "*such*" and insert "*the*"

Page 7, line 1, strike "*such*" and insert "*the*"

Page 7, line 9, strike "of the loan closing" and insert "*the loan is made*"

Page 7, line 11, strike "; except that a commitment for a" and insert a period

Page 7, line 12, before "conventional" insert:

"(5) *Conventional loans made pursuant to a commitment for a*"

Page 7, line 15, strike "*such*" and insert "*the*"

Page 7, line 17, strike "*such*" and insert "*the*"

Page 7, line 20, strike "entered into" and insert "*made*"

Page 7, line 22, strike "such" and insert "*the*"

Page 7, line 23, strike "such" and insert "*the*"

Page 7, line 29, after "date" strike "of" and insert "*the*"

Page 7, line 29, after the stricken word "offer" insert "*was issued*"

Page 7, line 30, strike "authorized in"

Page 7, line 31, strike "subdivision 3"

Page 8, line 1, after the period add "*A commitment shall be deemed to be issued on the date the commitment is hand delivered by the lender to the borrower, or mailed to the borrower or to any one of them if there should be more than one.*"

Page 8, line 2, strike "(5) This subdivision expires July 31," and strike "1978. A"

Page 8, line 3, strike the old language

Page 8, line 4, before the comma insert:

"(6) A loan made pursuant to a commitment"

Page 8, line 6, strike "made" and insert "*issued*"

Page 8, line 6, strike "1978" and insert "1979"

Page 8, line 9, strike "such" and insert "*the*"

Page 8, after line 11, insert:

"(7) This subdivision expires July 31, 1979."

Page 8, line 14, strike "contracted for" and insert "*made*"

Page 8, lines 14 and 15, strike "April 1, 1976," and insert "*the effective date of this act*"

Page 8, line 20, strike "contracted for" and insert "*made*"

Page 8, lines 20 and 21, strike "April 1, 1976," and insert "*the effective date of this act*"

Page 8, line 27, strike "contracted for" and insert "*made*"

Page 8, line 27, strike "April 1, 1976" and insert "*the effective date of this act*"

Page 9, lines 7 and 8, strike "Laws 1976, Chapter 300" and insert "*section 47.20*"

Page 9, line 12, after "*mortgages*" insert "*committed for purchase,*"

Page 9, line 12, after "*purchased*" insert a comma

Page 9, lines 13 and 14, strike "12 United States Code An-

notated section 1720(j)" and insert "Section 115 of the Housing and Urban Development Act of 1969, Public Law 91-152"

Page 10, line 1, after "lender" insert "*, if it intends to foreclose."*

Page 10, line 6, after the period, insert "*The lender need not give the borrower the notice required by this paragraph if the default consists of the borrower selling the mortgaged property without the required consent of the lender."*

Page 10, line 10, strike "*such*" and insert "*the*"

Page 10, line 12, strike "*such*" and insert "*the*"

Page 10, line 13, strike "*such*" and insert "*the*"

Page 10, line 18, strike "*but before the sale without*"

Page 10, strike line 19

Page 10, line 20, strike "*acceleration*"

Page 11, line 1, strike "*such*" and insert "*the*"

Page 11, line 2, restore the stricken language

Page 11, line 2, before "*maintained*" insert "*or*"

Page 11, line 3, strike the second "*a*" and insert "*an original*"

Page 11, line 4, after the first "*the*" insert "*lender's appraised*"

Page 11, line 5, strike "*on which*" and insert "*at the time*"

Page 11, line 12, strike the first "*of*" and insert "*on*"

Page 12, after line 11, insert:

"(2) A mortgagee not requiring maintenance of escrow accounts as described in clause (1), whether or not the accounts were required by the mortgagee or were optional with the mortgagor, shall offer to each of such mortgagors the following options:

(a) the mortgagor may manage the payment of insurance and taxes by himself;

(b) the mortgagor may open with the mortgagee a passbook savings account carrying the current rate of interest being paid on such accounts by the mortgagee in which the mortgagor can deposit the funds previously paid into the escrow account; or

(c) the mortgagor may elect to maintain a non-interest bearing escrow account as described in clause (1) to be serviced by the mortgagee at no charge to the mortgagor.

A mortgagee that is not a depository institution offering passbook savings accounts shall instead of offering option (b) above notify its mortgagors (1) that they may open such accounts at a depository institution and (2) of the current maximum legal interest rate on such accounts.

A mortgagee not requiring the maintenance of escrow accounts shall notify its mortgagor of the options under (a), (b) and (c).

The notice shall state the option and state that an escrow account is not required by the mortgagee, that the mortgagor is legally responsible for the payment of taxes and insurance, and that the notice is being given pursuant to section 47.20, subdivision 9.

Notice shall be given within 30 days after the effective date of this section as to mortgagees not requiring escrow accounts as of the effective date, or within 30 days after a mortgagee's decision to discontinue requiring escrow accounts. If no reply is received within 30 days, option (c) shall be selected for the mortgagor but the mortgagor may, at any time, select another option.

A mortgagee making a new mortgage shall, at the time of loan application, notify a prospective mortgagor of options (a), (b) and (c) above which must be extended to the prospective mortgagor. The mortgagor shall select one of the options at the time the loan is made.

Any notice required by this clause (2) shall be on forms approved by the commissioner of banking and shall provide that at any time a mortgagor may select a different option. The form shall contain a blank where the current passbook rate of interest shall be entered by the mortgagee. Any option selected by the mortgagor shall be binding on the mortgagee.

This clause (2) does not apply to escrow accounts which are excepted from the interest paying requirements of clause (1)."

Page 12, line 12, strike "(2)" and insert "(3)"

Page 12, line 14, strike "(3)" and insert "(4)"

Page 12, line 15, strike "such" and insert "the"

Page 12, line 16, strike "such" and insert "the"

Page 12, line 18, strike "such" and insert "the"

Page 12, line 20, strike "such" and insert "the"

Page 12, line 31, strike "Laws 1976, Chapter 300" and insert "section 47.20"

Page 13, line 5, strike "two" and insert "25"

Page 13, line 11, strike "two" and insert "25"

Page 13, line 12, after "report" insert "containing the following information and such further information as the commissioner may require"

Page 13, line 14, after "loans" insert "to individuals secured by a residential unit located in this state"

Page 13, line 14, strike "in" and insert "during"

Page 13, line 17, after "loans" insert "to individuals secured by a residential unit located in this state"

Page 13, line 17, strike "originated" and insert "made"

Page 13, line 18, strike "and" and insert a comma

Page 13, line 18, after "*thereof*" insert "*, and from whom the loans were acquired*"

Page 13, strike lines 19 through 32

Page 14, strike lines 1 through 3 and insert:

"(c) loans, other than conventional loans, to individuals secured by a residential unit located in this state made by the lender categorized as to those insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration and all other such loans with the total dollar amount for each category of loan;

(d) conventional loans made by the lender to individuals secured by a residential unit located outside this state and the total dollar amount thereof;

(e) conventional loans to individuals secured by a newly built residential unit located in this state made by the lender and the total dollar amount thereof;

(f) commitments to individuals issued for conventional loans to be secured by a residential unit located in this state, and not made, and the total dollar amount thereof.

The reports shall be filed on or before March 1 of each year and shall cover the preceding calendar year."

Page 14, strike all of subdivision 13 and renumber the following subdivision

Page 15, line 10, strike "*written*" and insert "*shall be made*"

Page 15, line 11, strike "*shall be made*" and insert "*if over 50 percent of the proceeds of the loan are used*"

Page 15, after line 13 insert:

"Sec. 3. Minnesota Statutes 1976, Section 334.01, Subdivision 2, is amended to read:

Subd. 2. A contract for the loan or forbearance of money, goods, or things in action, in the amount of \$100,000 or more, shall be exempt from the provisions of this section and the interest for such an indebtedness shall be at the rate of \$6 upon \$100 for a year, unless a different rate is contracted for in writing. This subdivision expires July 1, ~~1978~~ 31, 1979. A contract for a loan or forbearance made on or before July 1, ~~1978~~ 31, 1979 at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the loan or forbearance was made shall continue to be enforceable in accordance with its terms until the indebtedness is fully satisfied."

Page 15, strike all of Section 4 and insert:

"Sec. 5. [EFFECTIVE DATE.] *The amendments to Minnesota Statutes, Section 47.20, Subdivision 8, as renumbered Subdivision*

9 by this act, shall take effect June 1, 1977 and the remainder of this act is effective the day following its final enactment."

Renumber the sections

Amend the title as follows:

Page 1, line 6, after "loans;" insert "postponing the expiration of a usury exception;"

Page 1, line 8, before "and" insert "334.01, Subdivision 2;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 1150: A bill for an act relating to elections; regulating identification and providing assistance for absentee voters; appropriating money; amending Minnesota Statutes 1976, Section 207.03; and Chapter 207, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 16, after "*facility*" insert "*located in the municipality to which the request is made*"

Page 4, strike lines 31 and 32

Page 5, strike section 3

Amend the title as follows:

Page 1, line 4, strike "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 883: A bill for an act relating to public welfare; appropriating money for the Vinland National Center.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 796: A bill for an act relating to health; prohibiting the operation of professional nursing business without a license; amending Minnesota Statutes 1976, Sections 148.281, by adding a subdivision; and 319A.02, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1976, Section 148.271 is amended to read:

148.271 [ALLOWABLE UNLICENSED PRACTICES.] The provisions of sections 148.171 to 148.285 shall not prohibit:

(1) The furnishing of nursing assistance in an emergency.

(2) The practice of nursing by any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties.

(3) Under the direct supervision of a registered nurse, the practice of nursing by a graduate of a school of professional nursing approved by the board between the date of graduation and the date of notification to such graduate of the board action upon his or her application for licensure hereunder, provided that such graduate will take the first examination for licensure hereunder following graduation given by the board and will be issued a permit by the board to engage in supervised practice of professional nursing while awaiting notification of the results of such examination. The board is authorized to issue permits to such graduates which shall permit the practice of professional nursing under direct supervision from the date of graduation until the date that the board shall notify such graduates of the results of their applications for registration conditioned upon such graduates making prompt application for registration and taking the first examination given by the board which they are eligible to take following graduation. Such permits shall not be renewable.

(4) The practice of any profession or occupation licensed by the state, other than professional nursing, by any person duly licensed to practice such profession or occupation, or the performance by such a person of any acts properly coming within the scope of such a profession, occupation or license.

(5) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.

(6) The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the state of Minnesota pursuant to a temporary permit issued by the board of nursing which permit shall be issued by the board pursuant to such rules and regulations as it may promulgate, for the period between the submission of a proper application for licensure by such person and the date of action upon such application by the board.

(7) The care of the sick, injured or infirm in a private home by any person who does not assume or represent to be a registered or professional nurse.

(8) *Care of the sick with or without compensation when done in a nursing home covered by the provisions of section 144A.09, subdivision 1.”*

Renumber subsequent sections in sequence.

Page 1, line 12, strike "*business entity*" and insert "*partnership, corporation or unincorporated association*"

Page 1, line 14, strike "*such*" and insert "*the*"

Further amend the title as follows:

Page 1, line 4, after "Sections" insert "148.271;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 963: A bill for an act relating to public safety; modifying requirements of gas containers; amending Minnesota Statutes 1976, Section 299F.40.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "and regulations"

Page 2, line 1, strike "*gases*" and insert "*gas*"

Page 2, line 12, strike "*such*" and insert "*the*"

Page 2, line 15, strike "*such*" and insert "*the*"

Page 2, line 26, after "*composed*" insert "*exclusively*"

Page 2, line 30, strike "*gases*" and insert "*gas*"

Page 3, line 2, strike "*such*" and insert "*the*"

Page 3, line 4, strike "*gases*" and insert "*gas*"

Page 3, line 10, strike "*such*"

Page 3, line 13, strike "*such*" and insert "*the*"

Page 3, line 16, strike "*gases*" and insert "*gas*"

Page 3, line 18, strike "*such*" and insert "*the*"

Page 3, line 19, strike "*gases*" and insert "*gas*"

Page 3, line 20, strike "*such*" and insert "*the*"

Page 3, line 21, strike "*gases*" and insert "*gas*"

Page 3, line 22, strike "*gases*" and insert "*gas*"

Page 3, line 24, strike "*gases*" and insert "*gas*" and strike "*such*"

Page 3, line 25, strike "*gases*" and insert "*gas*"

Page 3, line 27, strike "*such*" and insert "*the*"

Page 3, line 30, strike "*such*"

Page 3, line 31, strike "*gases*" and insert "*gas*"

Page 4, line 6, strike "so" and "such"

Page 4, line 8, strike "gases" and insert "gas"

Page 4, line 9, strike "said" and insert "the"

Page 4, line 12, strike "said" and insert "the"

Page 4, line 15, strike "such" and insert "the" and strike "said"

Page 4, line 20, strike "such" and insert "the"

Page 4, line 21, strike "such" and insert "the"

Page 4, line 22, strike "such" and insert "the" in both cases

Page 4, line 25, strike "such" and insert "the"

Amend the title as follows:

Page 1, line 2, strike "modifying requirements" and insert "permitting only owners"

Page 1, line 3, before the semicolon insert "to fill them with industrial gases"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 760: A bill for an act relating to natural resources; establishing a season for taking deer and bear with muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.27, Subdivisions 2 and 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, before "areas" strike "such"

Page 1, line 11, after "under" strike "such" and insert "the"

Page 1, line 11, after "on" strike "such" and insert "the"

Page 1, line 12, strike "hereafter prescribed as" and insert "which"

Page 1, line 13, strike "provide" and insert "prescribe"

Page 1, line 16, strike "south of a line starting at the North Dakota"

Page 1, strike line 17

Page 1, line 18, strike "and thence to Duluth"

Page 2, line 3, after "under" strike "such" and insert "the"

Page 2, line 3, after "on" strike "such" and insert "the"

Page 2, line 4, strike "provide" and insert "prescribe"

Page 2, line 9, strike "provided" and insert "*prescribed*"

Page 2, line 15, strike "*such*" and insert "*the*"

Page 2, line 16, strike "*such*" and insert "*the*"

Page 2, line 16, strike "*as*"

Page 2, line 16, strike "*provide*" and insert "*prescribe, provided that no person issued a license to take deer and bear by legal muzzle loading firearms shall be allowed to take deer or bear by legal firearms or with bow and arrow*"

Page 2, line 21, strike "*such*" and insert "*the*"

Page 2, line 22, after "under" strike "*such*" and insert "*the*"

Page 2, line 22, after "on" strike "*such*" and insert "*the*"

Page 2, line 23, strike "*provide*" and insert "*prescribe*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was re-referred

S. F. No. 251: A bill for an act relating to agriculture; family farm security program; providing that certain interest earned by the seller on a family farm security loan shall be excludable from gross income; amending Minnesota Statutes 1976, Sections 41.58, by adding a subdivision; and 290.01, Subdivision 20.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 632: A bill for an act relating to pollution control; prescribing application fees for certain permits issued by the pollution control agency.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 115.01, is amended by adding subdivisions to read:

Subd. 18. "State disposal system permit" means a permit or equivalent document issued by the agency for a disposal system.

Subd. 19. "Liquid storage permit" means a permit or equivalent document issued by the agency for a facility or device to prevent the escape or movement of liquid substances to waters of the state.

Subd. 20. "National pollutant discharge elimination system permit" means a permit or equivalent document issued by the agency

after enactment of the federal water pollution control act amendments of 1972, for the purpose of regulating the discharge of sewage, industrial wastes, or other wastes under authority of the federal water pollution control act.

Sec. 2. Minnesota Statutes 1976, Chapter 116, is amended by adding a section to read:

[116.52] [PERMIT APPLICATION FEE.] *The agency shall charge a fee for the processing of permit applications for the following kinds of permits:*

- (a) Operating permits for air emission facilities;*
- (b) Water permits, including national pollutant discharge elimination system permits and state disposal system permits and liquid storage permits; and*
- (c) Operating permits for solid waste and hazardous waste handling, treatment, intermediate disposal and final disposal facilities, except animal feedlot solid waste disposal facilities.*

Sec. 3. Minnesota Statutes 1976, Chapter 116, is amended by adding a section to read:

[116.53] [FEE AMOUNT.] *The fee required by section 2 shall be paid by the person who applies to the agency for the permit and shall be paid in accordance with the following schedule:*

- (a) \$25 for a class one permit;*
- (b) \$500 for a class two permit; and*
- (c) One percent of the estimated cost of the facility for which permit application is made, but in no event less than \$500 nor more more than \$10,000 for a class three permit.*

Sec. 4. Minnesota Statutes 1976, Chapter 116, is amended by adding a section to read:

[116.54] [PERMIT CLASSIFICATIONS.] *Subdivision 1. A class one permit is:*

- (a) An operating permit for an emission facility which will discharge air contaminants totaling less than 25 tons per year;*
- (b) A national pollutant discharge elimination system permit or a state disposal system permit for a facility discharging no more than 50,000 gallons of waste in any day of the year, or a national pollutant discharge elimination system permit for a feedlot containing more than 1,000 animal units or the equivalent for 30 consecutive days during any 12 month period.*
- (c) An operating permit for:*
 - (1) A sludge disposal facility which will receive a daily weight of less than 7,000 pounds of dry solids;*
 - (2) A transfer station or a resource recovery facility which will receive a daily refuse volume of less than 3,000 cubic yards, measured in uncompacted density;*

(3) A demolition landfill which will serve a single construction or demolition project;

(4) A modified landfill;

(5) A wood waste disposal facility which will receive a daily volume of less than 200 cubic yards of material, measured in uncompacted density;

(6) A fly ash or slag disposal facility which will receive a weight of no more than 50,000 tons of fly ash and slag per year;

(7) A sanitary landfill that will receive a daily weight of less than ten tons;

(8) Any other handling, treatment or disposal facility which does not qualify for a class two or class three permit.

Subd. 2. A class two permit is:

(a) An operating permit for an emission facility discharging air contaminants totaling more than 25 tons but less than 1,000 tons per year;

(b) A national pollutant discharge elimination system permit or state disposal system permit for a facility discharging more than 50,000 gallons of waste water per day for any day of the year, and no more than 50,000,000 gallons of waste per day for every day of the year;

(c) An operating permit for:

(1) A hazardous waste handling, treatment, intermediate or final disposal facility which will receive a daily volume of 10,000 gallons or less or a daily weight of 50 tons or less;

(2) A sanitary landfill which will receive ten tons per day or more;

(3) A sludge disposal facility which will receive a daily weight of 7,000 pounds or more of dry solids;

(4) A transfer station or a resource recovery facility which will receive a daily refuse volume of 3,000 cubic yards or more, measured in uncompacted density;

(5) A demolition landfill which will serve more than one construction or demolition project;

(6) A wood waste disposal facility which will receive a daily volume of material of 200 cubic yards or more, measured in uncompacted density;

(7) A fly ash or slag disposal facility which will receive a weight of 50,000 tons or more per year of fly ash and slag.

Subd. 3. A class three permit is:

(a) An operating permit for an emission facility discharging air contaminants totaling more than 1,000 tons per year;

(b) A national pollutant discharge elimination system permit or state disposal system permit for a facility discharging more than 50,000,000 gallons of waste per day for any day of the year; or

(c) An operating permit for a hazardous waste handling, treatment, intermediate or final disposal facility that will receive an estimated daily volume of more than 10,000 gallons or a daily weight of more than 50 tons.

Sec. 5. Minnesota Statutes 1976, Chapter 116, is amended by adding a section to read:

[116.55] [PAYMENT.] *Subdivision 1. The permit fee required by section 2 shall be paid at the time the permit application is submitted to the agency. An application shall be deemed incomplete unless it is accompanied by the fee.*

Subd. 2. A separate permit fee shall be paid for each kind of permit defined in section 2 which is required for a single facility.

Subd. 3. If more than one permit of the same kind is required for a single facility, only one permit fee shall be assessed. If the permits of the same kind fall under more than one class in section 4, the larger fee shall be paid.

Subd. 4. Payment of a permit fee under sections 1 to 8 shall not relieve the applicant of the obligation to comply with all other requirements which must be met to obtain the permit and shall not preclude the agency from denying a permit or imposing different or additional permit conditions as it may prescribe.

Sec. 6. Minnesota Statutes 1976, Chapter 116, is amended by adding a section to read:

[116.56] [EXEMPTIONS.] *No state agency or department, municipality, county, or other governmental unit of the state shall be required to pay a permit application fee under sections 1 to 8.*

Sec. 7. Minnesota Statutes 1976, Chapter 116, is amended by adding a section to read:

[116.57] [WAIVER OF FEE.] *Payment of a permit application fee shall be waived if a person has already paid a fee for a permit application and the permit has been denied by the agency, and the person reapplies for the same kind of permit for the same facility within 90 days of the denial.*

Sec. 8. Minnesota Statutes 1976, Chapter 116, is amended by adding a section to read:

[116.58] [GENERAL FUND.] *All moneys collected by the agency as payment for permit application fees shall be deposited to the credit of the general fund.*

Sec. 9. [EFFECTIVE DATE.] *This act is effective on July 1, 1977. Permits for which a completed application is made prior to the effective date shall be exempt from the provisions of this act."*

Further strike the title and insert

"A bill for an act relating to pollution control; prescribing application fees for certain permits issued by the pollution control agency; amending Minnesota Statutes 1976, Section 115.01, by adding subdivisions; and Chapter 116, by adding sections."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Wegener questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 628: A bill for an act relating to counties; extension of compliance date for county official controls; amending Minnesota Statutes 1976, Section 394.312.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 2, strike "extension of" and insert "extending the"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 978: A bill for an act relating to Hennepin county and tax levies and bond issues for the purposes of the county park reserve district; amending Laws 1967, Chapter 721, Section 2, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 2, after "county" strike "and" and insert "; increasing"

Page 1, line 2, strike "levies" and insert "levy"

Page 1, line 3, strike "issues" and insert "issue limitations"

And when so amended the bill do pass. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 825: A bill for an act relating to eminent domain; court appointed commissioners; disqualifying certain attorneys from acting as a commissioner; amending Minnesota Statutes 1976, Section 117.075.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, before "Upon" insert "*Subdivision 1.*"

Page 1, lines 21 and 22, strike the new language

Page 2, lines 1 to 3, strike the new language

Page 2, after line 12, insert

"Subd. 2. In the county of Hennepin, an attorney who has represented any petitioner or owner in eminent domain proceedings during the year immediately preceding a hearing on a petition is disqualified from serving as a commissioner and shall not be appointed by the court to serve as a commissioner or alternate commissioner in a proceeding."

Page 2, line 13, strike "*is applicable*" and insert "*applies*"

Page 2, line 13, after "*hearings*" insert "*on petitions*"

Page 2, line 14, after "*proceedings*" insert "*in the county of Hennepin on or*"

Page 2, line 15, strike "*June 30*" and insert "*July 1*"

Page 2, line 17, strike "*prior to*" and insert "*on or before*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 821: A bill for an act relating to worker's compensation; excluding family corporations from coverage; amending Minnesota Statutes 1976, Section 176.041, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 26, before the period insert "*nor does it apply to nonprofit volunteer associations which do not pay more than \$500 in wages per year*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 679: A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121, Subdivisions 1, 2 and 3; 136A.144; 136A.16, Subdivisions 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5 and 6; 136A.171; and 136A.233, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 124.48, is amended to read:

124.48 [INDIAN SCHOLARSHIPS.] *Subdivision 1.* The state board higher education coordinating board may award scholarships to any Minnesota resident student who has is of one-fourth or more Indian blood ancestry and who, in the opinion of the board, has the capabilities to profit benefit from education. Scholarship Scholarships shall be for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools. Scholarships shall be used to defray tuition, incidental fees , books, supplies, transportation, other related school costs and the cost of board and room and shall be paid directly to the college or school concerned. The amount and type of each such scholarship shall be determined through the advice and counsel of the Minnesota Indian scholarship committee.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year he is eligible for additional scholarships, if additional training is necessary to reach his educational and vocational objective. Scholarships may not be given to any Indian student for more than four years of study.

Subd. 2. The higher education coordinating board shall honor any commitments to students by the state board of education which are in effect when the transfer of responsibility for the Indian scholarships becomes effective.

Sec. 2. Minnesota Statutes 1976, Section 136A.121, is amended to read:

136A.121 [SCHOLARSHIPS AND GRANTS-IN-AID.] *Subdivision 1.* [ELIGIBILITY.] An applicant shall be eligible to compete for a scholarship under the provisions of sections 136A.09 to 136A.131 if the board finds that applicant:

(1) is a citizen of the United States or is a refugee from Vietnam, Cambodia or Laos ;

(2) is a resident of the state of Minnesota;

(3) has met all the requirements for admission as a full time student to an eligible institution of his choice as defined in sections 136A.09 to 136A.131;

(4) has demonstrated capacity for superior achievement at the institutional level as measured by standards prescribed by the board;

(5) is a qualified applicant as defined herein.

Subd. 2. [ELIGIBILITY FOR GRANTS-IN-AID.] An applicant shall be eligible to compete for a grant-in-aid, regardless of

the applicant's sex, creed, race, color, national origin, or ancestry, under the provisions of sections 136A.09 to 136A.131 if the board finds that applicant:

(1) is a citizen of the United States *or is a refugee from Vietnam, Cambodia or Laos* ;

(2) is a resident of the state of Minnesota;

(3) is a graduate of a secondary school or its equivalent and has met all requirements for admission as a full time student to an eligible college or vocational school of his choice as defined in sections 136A.09 to 136A.131 or has completed at least one academic year of study at a two year institution and seeks transfer to a four year eligible institution;

(4) has met such criteria pertaining to financial need as the board shall make by regulation.

Subd. 3. [ALLOCATION AND AMOUNT.] ~~(1)~~ Scholarships and grants-in-aid shall be awarded annually on a funds available basis to those ~~first year students and transfer students~~ *applicants for initial awards and applicants for renewal awards* who meet the board's requirements ; .

~~(2)~~ Subd. 4. A financial stipend shall accompany scholarship awards if the scholarship winner demonstrates financial need and will attend an eligible institution. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100 but in no event shall exceed one-half of the applicant's financial need *or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicant's need, whichever is the lesser* . Scholarship winners who do not demonstrate financial need under criteria prescribed by the board shall be awarded honorary scholarships ; .

~~(3)~~ Subd. 5. A financial stipend based on financial need shall accompany grants-in-aid. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100, but in no event shall exceed one-half of the applicant's financial need ; *or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicant's need, whichever is the lesser* .

~~(4)~~ Subd. 6. In dispensing available funds in a given year, priority shall be given on the following basis:

Renewal scholarships and grants-in-aid.

Thereafter, until the funds are exhausted, to ~~first year and transfer~~ *applicants for initial awards* , on the basis of their rank in the case of scholarships, and on the basis of need with ~~first year and transfer~~ *all* applicants treated as a single pool of applicants in the case of grants-in-aid, as determined by standards prescribed by the board.

Subd. 7. *Only first year students shall be eligible to apply for and receive initial scholarship awards. Only first year and transfer students shall be eligible to apply for and receive initial grants-in-*

aid for the 1977-1978 school year. First year students, transfer students and students who did not receive a grant-in-aid award upon entrance to post-secondary education shall be eligible to apply for and receive initial grants-in-aid for the 1978-1979 school year and subsequent school years.

(5) *Subd. 8. Each scholarship or grant-in-aid shall be awarded for one academic year but shall be renewable until a total of eight semesters or twelve quarters or their equivalent have been covered, or a baccalaureate degree obtained, whichever occurs first ; .*

(6) *Subd. 9. Each scholarship or grant-in-aid shall be renewable, contingent on continued residency in Minnesota, United States citizenship or status as a refugee from Vietnam, Cambodia, or Laos , satisfactory academic standing and recommendation of the college or vocational school and, in the case of financial assistance, evidence of continued need ; .*

(7) *Subd. 10. The student must apply for renewal of his scholarship or grant-in-aid each year ; .*

(8) *Subd. 11. The student must continue to attend an eligible institution ; .*

(9) *Subd. 12. All scholarship winners shall be notified of their award by the board and shall be given appropriate evidence of the award ; .*

(10) *Subd. 13. All grant-in-aid recipients shall be duly notified thereof by the board ; .*

(11) *Subd. 14. Financial scholarships and grants-in-aid awarded under the terms of sections 136A.09 to 136A.131 shall be applied to educational costs in the following order: tuition, fees, books, supplies and other expenses. Unpaid portions of such awards shall revert to the board scholarship or grant-in-aid account.*

Sec. 3. Minnesota Statutes 1976, Section 136A.144, is amended to read:

136A.144 [EMERGENCY SCHOLARSHIP FUND; FOREIGN STUDENTS; AWARD.] The state of Minnesota shall establish an emergency scholarship fund to be awarded to public and private institutions of higher education in Minnesota which are eligible for the state grant-in-aid program as defined in this chapter, and which have foreign students enrolled, for the purpose of enabling them to achieve and maintain a desirable cultural mix in their student populations, and of assisting their bona fide foreign students to meet unexpected financial needs. The formula for apportioning available emergency scholarship funds to the institutions shall be established by the higher education coordinating board, which shall take into consideration full-time equivalent fall term enrollments and the total cost of education of foreign students at each participating institution. *Each institution wishing to receive funds to assist foreign students shall submit to the board in accordance with policies and procedures established by the board an estimate of the amount of funds needed by the institution and the amount allocated to any institution shall not*

exceed the estimate of need submitted by the institution. Any funds which would be allocated to an institution according to the formula but which exceed the estimate of need by the institution or the actual need of the institution may be re-allocated by the board to other institutions for which the estimate of need exceeds the amount of allocation under the formula. The amounts awarded to individual students with emergency financial needs shall be determined by the participating institution based on guidelines reflecting the total cost of education at each institution and resources available to each potential recipient.

Sec. 4. Minnesota Statutes 1976, Section 136A.16, Subdivision 3, is amended to read:

Subd. 3. The board shall be authorized to make ~~or to guarantee~~ loans in amounts not to exceed the maximum amount provided in the higher education act of 1965 and any amendments thereof and the board shall be authorized to establish procedures determining the loan amounts for which students are eligible.

Sec. 5. Minnesota Statutes 1976, Section 136A.16, Subdivision 4, is amended to read:

Subd. 4. The board shall have the right to contract with or to enter into agreements with eligible lenders for purposes of ~~guaranteeing~~ making loans to residents in accordance with the policies, rules, and regulations of the board.

Sec. 6. Minnesota Statutes 1976, Section 136A.16, Subdivision 6, is amended to read:

Subd. 6. The board shall be empowered to charge for insurance on each ~~guaranteed~~ loan a premium, payable each year in advance, in an amount not to exceed the premium in the federal regulations which govern the vocational and higher education loan program. Premium fees shall be available to the board without fiscal year limitation for the purposes of making and ~~guaranteeing~~ loans and meeting expenses incurred in administering the program.

Sec. 7. Minnesota Statutes 1976, Section 136A.16, Subdivision 7, is amended to read:

Subd. 7. The board is ~~designated the state agency to~~ *may* apply for, receive, accept, and disburse federal funds, as well as funds from other public and private sources, made available to the state for ~~use as reserves to guarantee student loans or as administrative moneys to operate student loan programs. In making application for federal funds, it may comply with all requirements of such federal law and such rules and regulations to enable it to receive, accept, and administer such funds.~~

Sec. 8. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.162] [CLASSIFICATION OF DATA.] *All data on applicants for financial assistance collected and used by the higher education coordinating board for the purposes of the scholarship, grant-in-aid and loan programs administered by that board shall be*

classified as private data on individuals pursuant to section 15.162, subdivision 5a. Exceptions to this classification are the names and addresses of scholarship, grant-in-aid and loan program recipients.

Sec. 9. Minnesota Statutes 1976, Section 136A.17, Subdivision 3, is amended to read:

Subd. 3. The board may loan and guarantee the loan of money ; upon such terms and conditions as the board may prescribe.

Sec. 10. Minnesota Statutes 1976, Section 136A.17, Subdivision 4, is amended to read:

Subd. 4. No loan or guarantee of a loan shall be made in excess of the maximum provided by pertinent federal laws and regulations and the aggregate unpaid principal amount of loans to any individual student shall not exceed the maximum provided in pertinent federal laws and regulations.

Sec. 11. Minnesota Statutes 1976, Section 136A.17, Subdivision 5, is amended to read:

Subd. 5. The board may insure *make* loans for vocational study to an individual student for a maximum of three academic years or their equivalent and loans for higher education to an individual student for a maximum of eight academic years of study or their equivalent.

Sec. 12. Minnesota Statutes 1976, Section 136A.17, Subdivision 6, is amended to read:

Subd. 6. No loans made or guaranteed by the board shall be made at an annual rate of interest in excess of the maximum prescribed in the National Vocational Student Loan Insurance Act of 1965 and the Higher Education Act of 1965, and any amendments thereof.

Sec. 13. Minnesota Statutes 1976, Section 136A.17, Subdivision 7, is amended to read:

Subd. 7. The benefits of the loan insurance program will not be denied any student because of his family income or lack of need if his adjusted annual family income at the time the note is executed is less than the maximum prescribed in the applicable federal regulations.

Sec. 14. Minnesota Statutes 1976, Section 136A.17, Subdivision 8, is amended to read:

Subd. 8. The repayment procedures applicable for loans made or guaranteed by the board shall be consistent with federal regulations governing interest payments under the National Vocational Student Loan Insurance Act of 1965 and the Higher Education Act of 1965.

Sec. 15. Minnesota Statutes 1976, Section 136A.171, is amended to read:

136A.171 [REVENUE BONDS; ISSUANCE; PROCEEDS.]
The higher education coordinating board is hereby authorized to is-

sue revenue bonds in an aggregate amount not to exceed \$90,000,000 for the purpose of obtaining funds for loans made in accordance with the provisions of this chapter. *The aggregate amount of revenue bonds, issued directly by the board, outstanding at any one time, not including refunding bonds, shall not exceed \$100,000,000.* Proceeds from the issuance of bonds may be held and invested by the board pending disbursement in the form of loans. All interest and profits from such investments shall inure to the benefit of the board and shall be available to the board for *the same purposes as the proceeds from the sale of revenue bonds including but without limitation costs incurred in administering loans under this chapter and for loan reserve funds.*

Sec. 16. *Subdivision 1. In addition to the authority the board has to issue bonds and make student loans as provided by sections 136A.14 to 136A.179, it may request that bonds be issued and loans be made by a qualified nonprofit corporation. Such request shall constitute a request of the state of Minnesota. A qualified nonprofit corporation for purposes of this law shall mean a nonprofit corporation which:*

(a) *meets the eligibility requirements as a lender of guaranteed student loans under the applicable provisions of the Higher Education Act of 1965, as amended, and*

(b) *is a nonprofit corporation qualified to issue qualified scholarship funding bonds pursuant to the applicable provisions of section 103 of the Internal Revenue Code of 1954, as amended.*

Subd. 2. Revenue bonds issued by a qualified nonprofit corporation shall not constitute obligations of the state of Minnesota, the higher education coordinating board, or any other agency of the state of Minnesota, nor shall such obligations be subject to any of the limitations or requirements specified by sections 136A.14 to 136A.179. Interest paid on obligations issued by a qualified nonprofit corporation pursuant to the provisions of this section shall not be included in gross income for the purpose of computing any tax imposed by or under the provisions of Minnesota Statutes, Chapter 290, and such obligations and the interest thereon shall at all times be free from taxation of every other kind by the state of Minnesota and by the municipalities and other political subdivisions in the state.

Subd. 3. The board may cooperate with and assist a qualified nonprofit corporation pursuant to subdivision 1 under contractual agreements and in such other reasonable ways as the board may determine appropriate in order to facilitate transition of responsibility for student loans without disrupting the availability of loans or service to students. Obligations of the board for the student loan program, student loan notes held by the board, and funds held by the board for reserves or for making loans may be transferred to a qualified nonprofit corporation pursuant to subdivision 1 in order to assure continued availability of student loans provided that funds necessary for payment of principal and interest of any outstanding revenue bonds shall be retained by the board and provided that any funds appropriated to the board by the

legislature shall not be transferred but shall be retained by the board.

Sec. 17. Minnesota Statutes 1976, Section 136A.233, is amended to read:

136A.233 [WORK-STUDY GRANTS.] Subdivision 1. Notwithstanding the provisions of sections 136A.09 to 136A.131, the higher education coordinating board may offer work-study grants to eligible post-secondary institutions according to the full time equivalent enrollment of all eligible post-secondary institutions that apply to participate in the program. *Each institution wishing to receive a work-study grant shall submit to the board in accordance with policies and procedures established by the board an estimate of the amount of funds needed by the institution and the amount allocated to any institution shall not exceed the estimate of need submitted by the institution. Any funds which would be allocated to an institution according to full time equivalent enrollment but which exceed the estimate of need by the institution or the actual need of the institution may be reallocated by the board to other institutions for which the estimate of need exceeds the amount of allocation according to enrollment. "Eligible post secondary institution" means any post secondary institution eligible for participation in the Minnesota state scholarship and grant program as specified in section 136A.101, subdivision 4.*

Subd. 2. For purposes of ~~this subdivision~~ *sections 136A.231 to 136A.235*, the following words have the meanings ascribed to them:

(a) "Eligible student" means a Minnesota resident enrolled or intending to enroll full time in a Minnesota post-secondary institution.

(b) "Financial need" means the need for financial assistance in order to attend a post-secondary institution as determined by a post-secondary institution according to guidelines established by the higher education coordinating board.

(c) "Eligible employer" means any eligible post-secondary institution and any nonprofit, nonsectarian agency located in the state of Minnesota and also includes a person over 65 who employs a student to provide personal services in or about the residence of a person over 65.

(d) "Eligible post-secondary institution" means any post-secondary institution eligible for participation in the Minnesota state scholarship and grant program as specified in section 136A.101, subdivision 4.

Subd. 3. Work-study payments shall be made to eligible students by post-secondary institutions as follows:

(a) Students shall be selected for participation in the program by the post-secondary institution on the basis of student financial need.

(b) No eligible student shall be employed under the state work-study program during the period when he or she is not a full time student ; *provided, with the approval of the institution, a full time*

student who becomes a part-time student during an academic year may continue to be employed under the state work-study program for the remainder of the academic year .

(c) Students will be paid for hours actually worked and the maximum hourly rate of pay shall not exceed the maximum hourly rate of pay permitted under the federal college work-study program.

(d) Minimum pay rates will be determined by an applicable federal or state law.

(e) Not less than 20 percent of the compensation paid to the student under the state work-study program shall be paid by the eligible employer.

(f) Not more than 50 percent of the institution's work-study allocation shall be used to employ students by the post-secondary institutions under the provisions of this program.

(g) The percent of the institution's work-study allocation provided to graduate students shall not exceed the percent of graduate student enrollment at the participating institution.

Sec. 18. Subdivision 1. There is hereby created a part-time student grant-in-aid program under the supervision of the higher education coordinating board.

Subd. 2. Institutions eligible for attendance by recipients of part-time student grants-in-aid shall be those institutions approved by the higher education coordinating board as eligible institutions for the state grant-in-aid program in accordance with Minnesota Statutes, Section 136A.101.

Subd. 3. Any student attending an eligible institution less than full-time shall be eligible for a part-time student grant-in-aid.

Subd. 4. A recipient of a part-time grant-in-aid shall be selected by the post-secondary education institution of attendance in accordance with guidelines, criteria, policies and procedures established by the higher education coordinating board.

Subd. 5. The amount of any part-time student grant-in-aid award shall be based on the need of the applicant determined by the institution in accordance with policies established by the higher education coordinating board but the amount of an award shall not exceed the cost of tuition and required fees paid or to be paid by the student or the cost of tuition and fees for a comparable program at the university of Minnesota, whichever is the lesser.

Subd. 6. Part-time student grants-in-aid shall be awarded for a single academic term as defined by the institution in accordance with guidelines and policies of the higher education coordinating board. Awards shall not be renewable but the recipient of an award may apply for additional awards for subsequent academic terms.

Subd. 7. Funds appropriated for part-time student grants-in-aid shall be allocated among eligible institutions by the higher education coordinating board according to a formula which takes

into account the number of part-time students enrolled in each institution and other relevant factors determined by the board.

Sec. 19. [APPROPRIATION.] *There is hereby appropriated from the general fund to the higher education coordinating board the sum of \$1,000,000 for the year ending on June 30, 1978 and the sum of \$1,000,000 for the year ending on June 30, 1979 for part-time student grants-in-aid in accordance with section 18 of this act.*

Sec. 20. Subdivision 1. *The program of grants for nursing students authorized by Minnesota Statutes, Section 148.286 shall be discontinued when commitments to nursing students made on or before June 30, 1977 have been fulfilled by the state board of nursing. The board of nursing shall continue to administer grants under commitments made on or before June 30, 1977, but the board of nursing shall not make any additional awards or commitments to students after June 30, 1977.*

Subd. 2. *Beginning on July 1, 1977, the higher education coordinating board shall administer a program of grants to nursing students.*

Subd. 3. *Grants to nursing students under the program authorized by subdivision 2 of this section shall be administered according to the terms and conditions of the state grant-in-aid program under Minnesota Statutes, Sections 136A.095 to 136A.131. Criteria for student eligibility and selection and terms of grants to nursing students, including the amount of grants and renewal of grants, shall be the same as for the state grant-in-aid program except that (1) in order to be eligible for a nursing grant, an applicant must be enrolled as a full time student in a nursing education program of an eligible college or vocational school for the purpose of meeting educational requirements prerequisite to licensure as a registered nurse or a licensed practical nurse as defined in Minnesota Statutes, Sections 148.171 to 148.299, and (2) a nursing student shall be eligible to apply for a nursing grant for any year of the student's nursing program.*

Subd. 4. *A student who receives a nursing grant under subdivisions 2 and 3 shall not be eligible to receive a state scholarship or state grant-in-aid award for the same year.*

Sec. 21. *This act is effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 7, strike "program" and insert "programs"

Page 1, line 7, after "grants" insert "and Indian scholarships"

Page 1, line 9, after "Sections" insert "124.48,"

Page 1, line 9, after "136A.121" strike the comma

Page 1, line 10, strike "Subdivisions 1, 2 and 3"

Page 1, line 11, before "4" insert "3,"

Page 1, strike line 12 and insert "4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which were referred

H. F. Nos. 930 and 40 for comparison to 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.
930	785				
40	241				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 930 be amended as follows:

Page 2, line 8, after "Statutes" insert "1976"

And when so amended, H. F. No. 930 will be identical to S. F. No. 785 and further recommends that H. F. No. 930 be given its second reading and substituted for S. F. No. 785 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 40 be amended as follows:

Page 1, delete lines 13 to 19

Page 2, line 15, delete "30" and insert "not less than 60"

Page 2, line 20, delete "60" and insert "not less than 30"

Page 3, line 2, after "to" insert a comma

Page 3, line 4, after "6" insert a comma

Page 3, line 7, after "within" insert "each"

Page 3, delete line 8 and insert "year period."

Page 3, line 26, delete "Subdivision 1,"

Page 3, line 27, strike "Subdivision 1."

Page 4, line 1, delete " ;"

Page 4, line 3, after "necessary" insert " ;"

Page 4, line 5, delete "such"

Page 4, delete lines 10 to 13

Page 4, line 19, delete the semicolon and insert a comma

Renumber the sections in sequence

Further amend the title as follows:

Delete lines 2 to 10 and insert:

“relating to real estate brokers and salespersons; authorizing the commissioner to increase license terms; establishing a prelicense educational requirement and a continuing educational requirement; requiring an annual report on the real estate education, research and recovery fund; and requiring regular meetings of the real estate advisory council; amending Minnesota Statutes 1976, Sections 82.22, Subdivision 6, and by adding a subdivision; 82.30; and 82.34, by adding a subdivision.”

And when so amended, H. F. No. 40 will be identical to S. F. No. 241 and further recommends that H. F. No. 40 be given its second reading and substituted for S. F. No. 241 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 668, 1150, 796, 963, 760, 628, 825 and 821 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 930 and 40 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1279. The motion prevailed.

Mr. Johnson moved that the name of Mr. Lessard be added as co-author to S.F. No. 1283. The motion prevailed.

Mr. Johnson moved that the name of Mr. Lessard be added as co-author to S. F. No. 1287. The motion prevailed.

Mr. Johnson moved that the name of Mr. Merriam be added as co-author to S. F. No. 1287. The motion prevailed.

Mr. Lewis moved that the name of Mr. Vega be added as co-author to S. F. No. 1292. The motion prevailed.

Mr. Hanson moved that S. F. No. 22 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Hanson moved that the Senate concur in the amendments by the House to S. F. No. 22 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 22: A bill for an act relating to Lake of the Woods county; authorizing issuance of one off-sale liquor license.

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olson	Solon
Ashbach	Frederick	Laufenburger	Penny	Spear
Bang	Gearty	Lessard	Perpich	Staples
Benedict	Gunderson	Lewis	Peterson	Stokowski
Bernhagen	Hanson	Luther	Pillsbury	Strand
Borden	Hughes	McCutcheon	Purfeerst	Stumpf
Brataas	Jensen	Menning	Schaaf	Tennesen
Chenoweth	Johnson	Merriam	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Milton	Schrom	Ulland, J.
Coleman	Keefe, S.	Moe	Setzepfandt	Vega
Davies	Kirchner	Nelson	Sieloff	Wegener
Dieterich	Kleinbaum	Nichols	Sikorski	Willet
Dunn	Knoll	Ogdahl	Sillers	

Messrs. Olhoft and Renneke voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

Mr. Coleman, for the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the positions hereinafter stated and at the salaries heretofore fixed.

James Quitter, Page classification, effective April 4, 1977

Marilyn Thomsen, Page classification, effective April 4, 1977

Karen Bloechl, Stenographer I classification, effective April 18, 1977

Rev. Allan Grundahl, Chaplain, effective May 2, 1977

Rev. Charles Jacobson, Chaplain, effective May 9, 1977

Rabbi Mordecai Miller, Chaplain, effective April 13, 1977

Margit Lund, Page classification, effective April 14, 1977

Theresa Cooper, Page classification, effective April 14, 1977

David Hoium, Administrative Assistant, effective April 7, 1977

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Resolution No. 20: A Senate resolution providing for additional postage for members of the Senate.

BE IT RESOLVED, by the Senate:

That each member of the Senate be allowed an additional postage allotment of 1,000 stamps for the remainder of the first session of the 70th Legislature;

That the Secretary of the Senate be authorized to purchase said additional postage from funds available for such purpose; and

That each member of the Senate shall receipt to the Secretary of the Senate for postage so received.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lewis	Perpich	Spear
Bang	Gunderson	Luther	Peterson	Staples
Benedict	Hanson	McCutcheon	Pillsbury	Stokowski
Bernhagen	Hughes	Menning	Purfeerst	Strand
Brataas	Jensen	Merriam	Renneke	Stumpf
Chenoweth	Johnson	Milton	Schaaf	Tennessee
Chmielewski	Keefe, J.	Moe	Schmitz	Ulland, J.
Coleman	Kirchner	Nelson	Schrom	Vega
Davies	Kleinbaum	Nichols	Setzepfandt	Wegener
Dieterich	Knoll	Ogdahl	Sieloff	Willet
Dunn	Knutson	Olhoff	Sikorski	
Engler	Laufenburger	Olson	Sillers	
Frederick	Lessard	Penny	Solon	

The motion prevailed. So the resolution was adopted.

Mr. Hughes moved that S. F. No. 1234 be withdrawn from the Committee on Education and re-referred to the Committee on Governmental Operations. The motion prevailed.

THIRD READING OF HOUSE BILLS

H. F. No. 558: A bill for an act relating to snowmobiles; providing for operation on certain highways; amending Minnesota Statutes 1976, Section 84.87, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lewis	Peterson	Staples
Bang	Gunderson	Luther	Pillsbury	Stokowski
Benedict	Hanson	Menning	Purfeerst	Strand
Bernhagen	Hughes	Merriam	Renneke	Stumpf
Brataas	Jensen	Milton	Schaaf	Tennessee
Chenoweth	Johnson	Moe	Schmitz	Ulland, A.
Chmielewski	Keefe, J.	Nelson	Schrom	Ulland, J.
Coleman	Keefe, S.	Nichols	Setzepfandt	Vega
Davies	Kirchner	Ogdahl	Sieloff	Wegener
Dieterich	Kleinbaum	Olhoff	Sikorski	Willet
Dunn	Knutson	Olson	Sillers	
Engler	Laufenburger	Penny	Solon	
Frederick	Lessard	Perpich	Spear	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. No. 376 and H. F. No. 283, which the committee recommends to pass.

S. F. No. 125, which the committee recommends be placed at the top of General Orders.

S. F. No. 757, which the committee recommends to pass with the following amendment offered by Mr. Schaaf:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1976, Section 221.221, is amended to read:

221.221 [ENFORCEMENT POWERS.] Transportation representatives of the department for the purpose of enforcing the provisions of sections 221.011 to ~~221.291~~ 221.181 and the rules and regulations of the commissioner and commission issued pursuant hereto, but for no other purpose, shall have all the powers conferred by law upon police officers. The powers shall include the authority to conduct inspections at designated highway weigh stations, ~~or during stops authorized under section 221.211~~ or under other appropriate circumstances anywhere within the state for the purpose of viewing log books, chauffeur licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and regulations."

Page 1, line 10, after "221.191" insert ", 221.201"

Page 1, line 11, after "221.211" strike the comma

Renumber the sections in sequence

Underline all new language in the bill

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 1976, Section 221.221;"

Page 1, line 6, after "221.191" insert ", 221.201"

S. F. No. 450, which the committee recommends to pass with the following amendments offered by Messrs. Borden and Dunn:

Mr. Borden moved to amend S. F. No. 450 as follows:

Page 3, line 30, strike "commissioner" and insert "applicant"

Page 3, line 30, strike "to the"

Page 3 line 31, strike "applicant and"

Page 4, line 2, strike "commissioner" and insert "applicant"

Page 4, line 2, strike “, at the expense of”

Page 4, line 3, strike “the applicant,”

Page 5, line 25, after “banks” insert “in the region”

Page 5, line 28, strike “without” and insert “with”

Page 5, line 29, after “commissioner” insert “if the merger satisfies the conditions of subdivision 2”

The motion prevailed. So the amendment was adopted.

Mr. Jensen moved to amend S. F. No. 450 as follows:

Page 3, strike lines 8 to 13 and insert “bank at the time of the application.”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 9 and nays 46, as follows:

Those who voted in the affirmative were:

Bernhagen	Frederick	Kirchner	Renneke	Wegener
Engler	Jensen	Menning	Schrom	

Those who voted in the negative were:

Bang	Gunderson	Merriam	Pillsbury	Stumpf
Benedict	Hanson	Milton	Purfeerst	Tennessee
Borden	Hughes	Moe	Schaaf	Ueland, A.
Brataas	Johnson	Nelson	Schmitz	Ulland, J.
Chenoweth	Keefe, S.	Nichols	Sikorski	Vega
Chmielewski	Kleinbaum	Olhoft	Sillers	Willet
Davies	Knutson	Olson	Solon	
Dieterich	Laufenburger	Penny	Spear	
Dunn	Lessard	Perpich	Stokowski	
Gearty	Luther	Peterson	Strand	

The motion did not prevail. So the amendment was not adopted.

Mr. Dunn moved to amend S. F. No. 450 as follows:

Page 4, line 8, strike “30” and insert “60”

Page 4, lines 11 and 12, strike “may, in his discretion,” and insert “shall”

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 450.

The roll was called, and there were yeas 37 and nays 23, as follows:

Those who voted in the affirmative were:

Bang	Gunderson	Lessard	Pillsbury	Stokowski
Borden	Humphrey	Lewis	Purfeerst	Stumpf
Brataas	Johnson	Luther	Schaaf	Tennessee
Chenoweth	Keefe, J.	Merriam	Sikorski	Ueland, A.
Coleman	Keefe, S.	Milton	Sillers	Ulland, J.
Davies	Kleinbaum	Nelson	Solon	
Engler	Knoll	Nichols	Spear	
Gearty	Knutson	Ogdahl	Staples	

Those who voted in the negative were:

Anderson	Dunn	Laufenburger	Peterson	Vega
Benedict	Frederick	Menning	Renneke	Wegener
Bernhagen	Hanson	Olhoft	Schmitz	Willet
Chmielewski	Jensen	Olson	Schrom	
Dieterich	Kirchner	Penny	Strand	

The motion prevailed. So S. F. No. 450 was recommended to pass.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Spear moved that H. F. No. 148 be withdrawn from the Committee on Local Government and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 376 now on the Calendar. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Monday, April 18, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SIXTH DAY

St. Paul, Minnesota, Monday, April 18, 1977

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. David P. Rebeck.

The roll was called, and the following Senators answered to their names:

Anderson	Gunderson	Lewis	Perpich	Spear
Bang	Hanson	Luther	Peterson	Staples
Benedict	Hughes	McCutcheon	Pillsbury	Stokowski
Bernhagen	Humphrey	Menning	Purfeerst	Strand
Borden	Jensen	Merriam	Renneke	Stumpf
Brataas	Johnson	Milton	Schaaf	Tennessee
Chmielewski	Keefe, J.	Moe	Schmitz	Ueland, A.
Coleman	Keefe, S.	Nelson	Schrom	Ulland, J.
Davies	Kleinbaum	Nichols	Setzepfandt	Vega
Dieterich	Knoll	Ogdahl	Sieloff	Wegener
Dunn	Knutson	Olhoft	Sikorski	Willet
Frederick	Laufenburger	Olson	Sillers	
Gearty	Lessard	Penny	Solon	

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. Engler was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 14, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 43 and 104.

Sincerely,

Rudy Perpich, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Anderson introduced—

S. F. No. 1340: A bill for an act relating to natural resources; revising certain provisions relating to St. Croix Wild River state park.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst, Hanson, Willet, McCutcheon and Peterson introduced—

S. F. No. 1341: A bill for an act relating to taxation; property; allowing certain land near lakeshores to qualify for assessment with reference to agricultural classification; amending Minnesota Statutes 1976, Section 273.111, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Laufenburger introduced—

S. F. No. 1342: A bill for an act relating to commitment of the mentally ill; evidentiary finding for commitment; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 17.

Referred to the Committee on Judiciary.

Mr. Willet introduced—

S. F. No. 1343: A bill for an act relating to the Minnesota historical society; Fort Snelling Officers' Row; authorizing the sale of the homes along Officers' Row; appropriating money; repealing Minnesota Statutes 1976, Section 138.05, Subdivision 9.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Peterson, Willet, Lessard, Borden and Johnson introduced—

S. F. No. 1344: A bill for an act relating to natural resources; designating wild rice as the official state grain; amending Minnesota Statutes 1976, Chapter 1, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz, Schaaf, Johnson and Stokowski introduced—

S. F. No. 1345: A bill for an act relating to elections; recogniz-

ing the effect of election day registration on activities in the polling place; amending Minnesota Statutes 1976, Sections 200.02, Subdivision 16; 204A.11; 204A.12, Subdivision 3; 204A.34, by adding a subdivision; and 204A.37, Subdivision 1.

Referred to the Committee on Elections.

Messrs. Merriam; Keefe, S. and Jensen introduced—

S. F. No. 1346: A bill for an act relating to fire and casualty loss insurance companies; termination of agency contracts; requiring certain notice before termination; prescribing civil penalties.

Referred to the Committee on Commerce.

Messrs. Keefe, J. and Lewis introduced—

S. F. No. 1347: A bill for an act relating to education; school districts; authorizing districts to make additional levies for the installation of energy conserving devices; amending Minnesota Statutes 1976, Section 275.125, by adding a subdivision.

Referred to the Committee on Education. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Solon introduced—

S. F. No. 1348: A bill for an act relating to intoxicating liquor; permitting licensing and sale on certain tour boats; amending Minnesota Statutes 1976, Section 340.11, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Schaaf, Borden, Nichols and Sikorski introduced—

S. F. No. 1349: A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, Subdivision 1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 363.04, Subdivisions 4, 4a and 5; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minne-

sota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

Referred to the Committee on Governmental Operations.

Mrs. Brataas, Messrs. Milton, Strand, Knutson and Lewis introduced—

S. F. No. 1350: A bill for an act relating to nursing assistant training; providing for a report to the legislature by the state board of health; delaying implementation of certain training requirements; amending Minnesota Statutes 1976, Section 144A.61, Subdivision 6.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Johnson and Perpich introduced—

S. F. No. 1351: A bill for an act relating to the city of Duluth; review of assessments by county assessor.

Referred to the Committee on Local Government.

Messrs. Renneke; Schmitz; Purfeerst; Ueland, A. and Stokowski introduced—

S. F. No. 1352: A bill for an act relating to elections; prohibiting telephone solicitation within 100 feet of a building where there is a polling place on election day; amending Minnesota Statutes 1976, Section 210A.10.

Referred to the Committee on Elections.

Messrs. Schrom, Frederick, McCutcheon, Chmielewski and Nelson introduced—

S. F. No. 1353: A bill for an act relating to taxation; permitting deduction of amount of prizes paid to be deducted from gross receipts of bingo occasions on which the sales tax is imposed; amending Minnesota Statutes 1976, Chapter 297A, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoff, Benedict, Bernhagen, Mrs. Staples and Mr. McCutcheon introduced—

S. F. No. 1354: A bill for an act relating to obscenity; prohibiting the promotion or employment of minors as models alone or with others in sexual performances for purposes of preparing an obscene work; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

Referred to the Committee on Judiciary.

Mr. Knoll introduced—

S. F. No. 1355: A bill for an act relating to taxation; income-adjusted homestead credit; redefining income to allow subtraction of net long term capital losses; amending Minnesota Statutes 1976, Section 290A.03, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Dieterich and Engler introduced—

S. F. No. 1356: A bill for an act relating to taxation; providing a deduction from income for a lessee's share of real property taxes paid on his rented residence less the amount of any rent credit; disallowing deductions in certain sham rental situations; amending Minnesota Statutes 1976, Section 290.09, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S. F. No. 1357: A bill for an act relating to highway safety; providing state reimbursement for safety education and driver training courses; imposing a tax; appropriating money.

Referred to the Committee on Education.

Mr. Schaaf introduced—

S. F. No. 1358: A bill for an act relating to elections; providing for publication of dates for filing for municipal office; amending Minnesota Statutes 1976, Section 205.13.

Referred to the Committee on Elections.

Messrs. Hughes, Stumpf, Merriam, Anderson and Sillers introduced—

S. F. No. 1359: A bill for an act relating to part time employment of teachers; establishing a teachers benefit fund administered by the teachers retirement association board for the payment of retirement contributions, insurance and benefits, and severance pay to certain qualified teachers.

Referred to the Committee on Education.

Messrs. Anderson, Willet, Schaaf, Strand and Kirchner introduced—

S. F. No. 1360: A bill for an act relating to outdoor recreation; appropriating money for acquisition of parks, trails, wildlife lands and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Section 473.315, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Milton, Coleman, Perpich, Lewis and Keefe, S. introduced—

S. F. No. 1361: A bill for an act relating to health; providing state grants to finance health related research activities; directing the state health coordinating council to establish a health research subcommittee; providing for its powers and duties; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Kleinbaum, Willet, Dunn and Wegener introduced—

S. F. No. 1362: A bill for an act relating to game and fish; exempting certain disabled residents from the requirements of obtaining a fishing license; amending Minnesota Statutes 1976, Section 98.47, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dunn, Anderson, Dieterich, Kleinbaum and Sillers introduced—

S. F. No. 1363: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 3; providing that the university of Minnesota regents be appointed by the governor from the several congressional districts.

Referred to the Committee on Education.

Messrs. Lewis, Sikorski and Spear introduced—

S. F. No. 1364: A bill for an act relating to civil service; providing an affirmative action program for the state work force; amending Minnesota Statutes 1976, Section 43.15.

Referred to the Committee on Governmental Operations.

Mr. Schaaf introduced—

S. F. No. 1365: A bill for an act relating to the state auditor; changing the required balances of the state auditor revolving fund; amending Minnesota Statutes 1976, Section 6.58.

Referred to the Committee on Governmental Operations.

Messrs. Setzepfandt, Lewis, Menning, Bernhagen and Gunder-son introduced—

S. F. No. 1366: A bill for an act relating to veterinarians; repealing requirement to file license with clerk of district court; repealing Minnesota Statutes 1976, Section 156.09.

Referred to the Committee on Governmental Operations.

Messrs. Dieterich, Hanson, Schmitz and Sillers introduced—

S. F. No. 1367: A bill for an act relating to public safety; requiring smoke detectors in hotels; amending Minnesota Statutes 1976, Chapter 16, by adding a section.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Chenoweth, McCutcheon, Coleman and Stumpf introduced—

S. F. No. 1368: A bill for an act relating to the city of St. Paul; allowing a tax to be imposed on utility companies in lieu of franchise fees.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth, Ogdahl, McCutcheon, Stokowski and Ulland, J. introduced—

S. F. No. 1369: A bill for an act relating to the cities of St. Paul, Minneapolis, and Duluth; firemen's survivor benefits; amending Laws 1955, Chapter 375, Section 25, as amended; Laws 1965, Chapter 519, Section 1, as amended; and Laws 1975, Chapter 127, Section 2, as amended.

Referred to the Committee on Governmental Operations.

Messrs. Sillers and Knutson introduced—

S. F. No. 1370: A bill for an act relating to corrections and juveniles; authorizing juvenile detention up to 48 hours if regional or county detention facilities do not exist; amending Minnesota Statutes 1976, Section 260.171, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Sillers and Moe introduced—

S. F. No. 1371: A bill for an act relating to corrections and juveniles; authorizing the director of the west central detention center at Moorhead to allow two children to be housed in a double unit.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Laufenburger introduced—

S. F. No. 1372: A bill for an act relating to mental commitments; permitting counties to seek reimbursement for costs of commitment proceedings; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 15.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Knoll, Humphrey, Hanson, Merriam and Frederick introduced—

S. F. No. 1373: A bill for an act relating to professional corporations; including architects, professional engineers and land surveyors within the definition of professional service for the purposes of formation of professional corporations; amending Minnesota Statutes 1976, Section 319A.02, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Keefe, S., Knoll; Lewis; Humphrey and Sillers introduced—

S. F. No. 1374: A bill for an act relating to public buildings; providing for the remodeling of the public class of state owned buildings to improve accessibility for disabled and elderly persons.

Referred to the Committee on Governmental Operations.

Messrs. Davies, Setzepfandt, Merriam and Sillers introduced—

S. F. No. 1375: A bill for an act relating to taxation; tax increment financing; limiting maturity of tax increment financing bonds to ten years from sale.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Merriam, Olhoft, Setzepfandt and Sillers introduced—

S. F. No. 1376: A bill for an act relating to taxation; tax increment financing; requiring approval of projects by governing body of municipality in which project is located.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Merriam, Olhoft, Setzepfandt and Sillers introduced—

S. F. No. 1377: A bill for an act relating to taxation; tax increment financing; requiring municipality to file plan with state planning agency.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Merriam and Tennesen introduced—

S. F. No. 1378: A bill for an act relating to taxation; tax increment financing; removing exemption of certain tax increment district property from fiscal disparities law; including assessed valuation contributed to area-wide tax base for fiscal disparities purposes in assessed value of certain tax increment districts; amending Minnesota Statutes 1976, Section 472A.08, Subdivisions 1 and 2; and 473F.02, Subdivision 3; and Laws 1973, Chapter 764, Section 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Davies, Peterson, Milton and Ashbach introduced—

S. F. No. 1379: A bill for an act relating to taxation; removing membership dues, fees and assessments received by certain homeowners associations from definition of gross income for corporate income tax purposes; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benedict introduced—

S. F. No. 1380: A bill for an act relating to crimes; specifying the crime of assaulting a peace officer or fireman; providing penalties; amending Minnesota Statutes 1976, Section 609.225, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Stumpf, McCutcheon, Chenoweth, Dieterich and Sieloff introduced—

S. F. No. 1381: A bill for an act relating to the city of Saint Paul; authorizing the city council to adopt rules permitting payroll deductions for nonprofit entities.

Referred to the Committee on Local Government.

Messrs. Stumpf, McCutcheon, Chenoweth and Sieloff introduced—

S. F. No. 1382: A bill for an act relating to the city of St. Paul; providing that the employees of the housing and redevelopment authority of the city of St. Paul may remain employees of the authority or become employees of the city as the governing body of the city may determine; amending Laws 1976, Chapter 234, Section 4, Subdivision 4, and by adding a subdivision.

Referred to the Committee on Local Government.

Messrs. Deterich, Stumpf, McCutcheon, Sieloff and Chenoweth introduced—

S. F. No. 1383: A bill for an act relating to the city of St. Paul; providing for a procedure to declare property transfers in the city of St. Paul on a form approved by the city; providing a penalty.

Referred to the Committee on Judiciary.

Messrs. Chenoweth and Stumpf introduced—

S. F. No. 1384: A bill for an act relating to the city of Saint Paul; establishing a public housing agency; transferring functions from housing and redevelopment authority.

Referred to the Committee on Local Government.

Messrs. Stumpf and Coleman introduced—

S. F. No. 1385: A bill for an act relating to the city of Saint Paul and county of Ramsey; providing for a division of costs to maintain the joint court house and city hall.

Referred to the Committee on Local Government.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 82.

H. F. No. 82: A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; increasing the penal fine of misdemeanors; directing a court to require as a condition of a stay of imposition or execution of sentence restitution for property damage or loss or compensation for personal injuries; amending Minnesota Statutes 1976, Sections 412.231; 609.02, Subdivision 3; 609.03; 609.031; 609.032; 609.135, Subdivision 1; 609.27, Subdivision 2; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; 609.615; and 609.785.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Stanton; Kempe, A. and Carlson, A. have been appointed as such committee on the part of the House.

House File No. 82 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 April 14, 1977

Mr. Nichols moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 82, 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 House Files, herewith transmitted: H. F. Nos. 203 and 218.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 14, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 203: A bill for an act relating to public health; providing for a municipal referendum on the fluoridation of municipal water supplies; amending Minnesota Statutes 1976, Section 144.145.

Referred to the Committee on Health, Welfare and Corrections. Mr. Borden questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

H. F. No. 218: A bill for an act relating to the city of Minneapolis and Hennepin county; providing for representation for the board of county commissioners of Hennepin county and the Minneapolis city council on the municipal building commission; amending Laws 1903, Chapter 247, Section 1.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 246, now on General Orders.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the report on S. F. No. 753 be now adopted. The motion prevailed.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1028: A bill for an act relating to taxation; exempting certain aids to handicapped persons from property tax assessments; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 25, strike "*specifically for the*" and insert "*which are made necessary by the nature of the physical disability*"

Page 4, line 26, strike "*benefit*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 160: A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a

subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivision 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 943: A bill for an act relating to workers' compensation; authorizing coverage for owners of a business; including family farms and family farm corporations; amending Minnesota Statutes 1976, Sections 176.011, Subdivisions 9 and 11a; 176.012 and 176.051.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, strike the first "a" and insert "*an authorized*"

Page 2, line 10, after the first "*corporation*" insert "*, as defined in section 500.24, subdivision 1, clause (d),*"

Page 4, lines 10 to 14, strike the new language and insert "*spouse, parent, or child, regardless of age, of a farmer employed by the farmer, or any executive officer of a family farm corporation, as defined in section 500.24, subdivision 1, or any spouse, parent or child, regardless of age, of such an officer employed by that family farm corporation,*"

Page 4, line 26, after "*owner*" insert "*or farm owners*"

Page 5, after line 9, insert:

"Sec. 4. Minnesota Statutes 1976, Section 176.041, Subdivision 1, is amended to read:

176.041 [EXCLUDED EMPLOYMENTS; APPLICATION, EXCEPTIONS.] Subdivision 1. [EMPLOYMENTS EXCLUDED.] This chapter does not apply to persons employed by any common carrier by railroad engaged in interstate or foreign commerce, which persons are covered by the Federal Employers' Liability Act (45 U.S.C. 51-60) or other comparable Federal laws; persons employed by family farms, *as defined by section 176.011, subdivision 11a*; spouses, parents and children, regardless of their age, of a farmer employer working for him ~~or on a family farm corporation as defined in section 500.24, subdivision 1, clause (e) or otherwise,~~; partners engaged in any farm operation and the spouses, parents, and children, regardless of age, of any of the partners; any spouse, parent, or child, regardless of age, of an executive officer of a family farm corporation *as defined in section 500.24, subdivision 1, employed by that family farm corporation*; or other farmers or members of their families exchanging work with the

farmer employer or family farm corporation operator in the same community, or persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession, or occupation of his employer; nor does it apply to officers or members of veteran's organizations whose employment relationship arises solely by virtue of attending meetings or conventions of their organization, unless such veteran's organizations elect by resolution to provide coverage under this chapter for such officers or members. Professional athletes under contract for hire are not subject to this chapter if a written consent not to be bound thereby, signed by the professional athlete and the employer is filed with the board. Neither shall the chapter apply to any person employed as a household worker in, for, or about, a private home or household who earns less than \$500 in cash in any three month period from a single private home or household provided that any household or casual worker who has earned \$500 or more from his present employer in any three month period within the previous year shall be covered by Laws 1975, Chapter 359 regardless of whether or not he has in the present quarter earned \$500."

Page 5, line 27, strike "*domestic servants*" and insert "*household workers*"

Page 5, line 32, strike "*domestic servants*" and insert "*household workers*"

Page 6, line 6, strike "*domestic servant*" and insert "*household worker*"

Page 6, strike lines 10 to 15 and insert "*not include any spouse, parent or child, regardless of age, of any farmer or of any partner in a farm operation or of any officer of a family farm corporation as defined in section 500.24, subdivision 1, nor shall it include other farmers in the same community or members of their family exchanging work with the farmer employer or family farm corporation operator.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "excluding certain persons;"

Page 1, line 6, after "176.012" insert "; 176.041, Subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 781: A bill for an act relating to crimes; regulating the transfer of pistols; requiring a waiting period for pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; prescribing penalties; amending Minnesota Statutes 1976, Section 624.712, by adding a subdivision; and Chapter 624, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 609.135, Subdivision 1, is amended to read:

609.135 [STAY OF IMPOSITION OR EXECUTION OF SENTENCE.] Subdivision 1. Except when a sentence of life imprisonment is required by law, or when a person is convicted of one of the crimes specified under section 609.11, subdivision 1, and had in his possession a firearm or used another dangerous weapon, any court, including a justice of the peace to the extent otherwise authorized by law, may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

Sec. 2. Minnesota Statutes 1976, Section 624.712, is amended by adding a subdivision to read:

Subd. 6. “Transfer” means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol or the frame or receiver of a pistol.

Sec. 3. Minnesota Statutes 1976, Chapter 624, is amended by adding a section to read:

[624.7131] [REPORT OF TRANSFER.] Subdivision 1. Except as provided in this section, every person who agrees to transfer a pistol shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver’s license number of the proposed transferee;

(b) The sex, date of birth, height, weight, color of eyes and hair and other distinguishing characteristics, if any, of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol; and

(d) The name, residence and telephone number of the transferor and the date of the agreement to transfer. If the transferor is a federally licensed firearms dealer, the address of his place of business shall be submitted in lieu of his residence.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system.

Subd. 3. [NOTIFICATION.] The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail his right of appeal under subdivision 12.

Subd. 4. [DELIVERY.] No person shall deliver a pistol to a proposed transferee until 14 days after the date of the agreement to transfer as stated on the report delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the 14 day waiting period.

No person shall deliver a pistol to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within 14 days of the date of the agreement to transfer, the pistol may be delivered to the transferee.

Subd. 5. [GROUNDS FOR DISQUALIFICATION.] A determination by the chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a pistol shall be the sole basis for a notification of disqualification under this section.

Subd. 6. [IMMEDIATE TRANSFERS.] The chief of police or sheriff may waive all or a portion of the 14 day waiting period for a transfer.

Subd. 7. [REPORT NOT REQUIRED.] If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within 14 days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol may be made under subdivision 4.

Subd. 8. [NUMBER OF PISTOLS.] Any number of pistols may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section shall be construed to limit or restrict the number of pistols a person may acquire.

Subd. 9. [RESTRICTION ON RECORDS.] If, after a determination that he is not a person prohibited by section 624.713 from possessing a pistol, a transferee requests that no record be maintained of the fact that he is the transferee of a pistol, the

chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 10. [FORMS; COST.] Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a pistol transfer.

Subd. 11. [EXCLUSIONS.] This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

(a) A transfer by a person other than a federally licensed firearms dealer;

(b) A loan to a prospective transferee if the loan is intended for a period of no more than one day;

(c) The delivery of a pistol to a person for the purpose of repair, reconditioning or remodeling;

(d) A loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;

(e) A loan between persons at a firearms collectors exhibition;

(f) A loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(g) A loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) A loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol by reason of his employment and is the holder of a valid permit to carry a pistol.

Subd. 12. [APPEAL.] A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol may appeal the determination as provided in this subdivision. In Hennepin and Ramsey counties the municipal court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol by section 624.713. The matter shall be heard de novo without a jury.

Subd. 13. [TRANSFER TO UNKNOWN PARTY.]

(a) No person shall transfer a pistol to another who is not personally known to the transferor unless the proposed transferee presents evidence of his identity to the transferor. A person who transfers a pistol in violation of this clause is guilty of a misdemeanor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol unless he presents evidence of his identity to the transferor. A person who becomes a transferee of a pistol in violation of this clause is guilty of a misdemeanor.

Subd. 14. [PENALTIES.] A person who does any of the following is guilty of a gross misdemeanor:

(a) Transfers a pistol in violation of subdivisions 1 to 12 of this section;

(b) Transfers a pistol to person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(c) Knowingly becomes a transferee in violation of subdivisions 1 to 12 of this section; or

(d) Makes a false statement in order to become a transferee of a pistol knowing or having reason to know the statement is false.

Subd. 15. [LOCAL REGULATION.] This section shall be construed to supersede municipal or county regulation of the transfer of pistols except more restrictive regulation in cities of the first class."

Amend the title as follows:

Page 1, line 3, after "for" insert "certain"

Page 1, line 7, strike "Section" and insert "Sections 609.135, Subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 922: A bill for an act relating to parking privileges for the physically handicapped; prohibiting nonhandicapped persons from parking in spaces designated for the handicapped; providing penalties.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "and burdensome" and insert " , dangerous or impossible"

Page 1, line 16, after "a" insert "person who is"

Page 1, line 16, strike "person" and insert "in this manner"

Page 1, line 17, strike "bears or contains" and insert "displays"

Page 1, line 22, after "signs" insert "incorporating the international symbol of access in white on blue and indicating that the parking space is reserved for the handicapped with vehicles displaying the required certificate. The posting of signs shall be"

Page 2, line 11, strike everything after "1" and insert "shall be fined \$10.00. This subdivision shall be enforced in the same manner as parking ordinances or regulations are enforced in the governmental subdivision in which the violation occurs."

Page 2, strike lines 12 to 14

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was re-referred

S. F. No. 39: A bill for an act relating to peace officer training courses; eligibility; amending Minnesota Statutes 1976, Section 626.851, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "of the attorney general for the" and insert "*promulgated pursuant to this chapter*"

Page 1, line 16, strike everything before the comma

Page 1, line 18, after "conducted" insert "*by the school or institution.*"

Page 1, line 20, before the period insert "*, or conducted by the Minnesota bureau of criminal apprehension in facilities provided by the bureau*"

Page 1, line 22, before the period insert "*and he shall be credentialled in the manner provided in section 626.845, clause (d)*"

Amend the title as follows:

Page 1, line 3, strike "ELIGIBILITY" and insert "providing for conduct of minimum basic training at approved post-secondary institutions or accredited institutions of higher learning"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1064: A bill for an act relating to the state board of investment; creating an advisory council; requiring annual reports; replacing existing agencies; amending Minnesota Statutes 1976, Chapter 11, by adding sections.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "one"

Page 1, strike lines 14 to 18

Page 1, line 19, strike "retirement;"

Page 1, line 19, strike "commissioners" and insert "commissioner"

Page 1, line 19, strike "and revenue;"

Page 1, line 20, strike "governor" and insert "state board of investment"

Page 2, line 1, strike "governor" and insert "state board of investment"

Page 2, after line 23, insert:

"Subd. 3. [DUTIES; STANDARD OF CARE.] In giving advice or making recommendations to the board, the members of the council shall act in good faith in what they reasonably believe to be in the best interests of the state and shall exercise that degree of judgment and care under circumstances then prevailing which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

Renumber the subdivisions.

Page 2, line 32, strike "commissioners" and insert "commissioner" and after "finance" strike the rest of line 32

Page 3, line 5, strike "governor" and insert "state board of investment"

Page 3, line 5, after "15.059" insert "except that those members shall not receive a per diem"

Page 3, strike lines 6 and 7

Page 3, after line 7, insert:

"Subd. 6. [LIABILITY; INDEMNIFICATION.] A member of the council shall be indemnified and held harmless by the state for any reasonable costs or expenses incurred as a result of any actual or threatened litigation or administrative proceedings, other than an action brought by the state or any agency thereof, arising out of the performance of the member's duties if the duties were performed in a manner as prescribed by this section."

Subd. 7. [CONFLICT OF INTEREST; ECONOMIC INTEREST STATEMENT.] No member of the council may participate in deliberations or vote on any matter before the council which will or is likely to result in direct, measurable economic gain to the member or his private employer. A member of the council shall file with the board of ethical practices an economic

interest statement in a manner as prescribed by section 10A.09, subdivisions 5 and 6."

Page 3, line 21, strike everything after the period

Page 3, strike lines 22 to 25

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 356: A bill for an act relating to veterans; authorizing a memorial plaque; providing a property tax exemption; amending Minnesota Statutes 1976, Section 273.13, Subdivision 15a, and by adding a subdivision; and Chapter 196, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, strike "*Minnesota Statutes 1974, Section 197.45*" and insert "*section 197.447*"

Page 1, line 21, strike "*Subdivision 1,*"

Page 1, line 21, strike "*for at least*"

Page 1, line 22, strike "*six months*" and insert "*immediately*"

Page 2, line 3, strike "*or*" and insert a comma

Page 2, line 3, after "*3c*" insert "*or 3cc*"

Page 2, line 3, after "*property,*" insert "*as defined in section 273.13,*"

Amend the title as follows:

Page 1, line 3, strike "*exemption*" and insert "*credit for veterans awarded the congressional medal of honor*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 932: A bill for an act relating to motor vehicles; registration and taxation; fees for filing applications; appointment and duties of deputy registrars; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "*As of April 14, 1976,*"

Page 2, line 3, strike "*Effective August 1, 1976,*"

Page 2, line 32, strike "*such*" and insert "*the*"

Page 3, line 18, reinstate the stricken "\$1" and delete "\$2"

Page 3, line 20, strike "such" and insert "the"

Page 3, line 28, strike "such" and insert "the"

Page 4, line 5, delete "\$2" and insert "\$1"

Page 4, line 7, delete "\$2" and insert "\$1"

Amend the title as follows:

Page 1, line 3, before "fees" insert "increasing"

Page 1, line 3, strike "; appointment"

Page 1, line 4, strike "and duties of deputy registrars"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 753: A bill for an act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on trailers; dimensional specifications for trailer number plates; amending Minnesota Statutes 1976, Sections 168.013, Subdivision 1d; and 168.12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after "\$2," insert "*provided, that the tax on trailers with a total gross weight of 3,000 pounds or less shall be*"

Page 1, line 21, strike "such" and insert "the"

Page 1, line 21, strike "issues" and insert "*shall issue*"

Page 2, line 6, strike "regulations" and insert "*rules*"

Page 2, line 16, strike "At the"

Page 2, strike line 17

Page 2, line 18, strike everything before "the"

Page 2, line 22, strike "5" and insert "16"

Page 2, line 22, strike "6" and insert "17"

Page 2, line 24, strike "Beginning with the year 1974,"

Page 3, line 2, strike "1978" and insert "1981"

Page 3, line 2, after "trailers" insert "*with a total gross weight of 3,000 pounds or less*"

Page 3, line 6, strike "annual"

Page 3, line 9, after "year" insert "*or years*"

Page 3, line 10, strike "year" and insert "*period*"

Page 3, line 14, strike "calendar" and insert "*period for*"

Page 3, line 15, strike "year in"

Page 3, line 15, after "which" insert "*it is*"

Page 3, line 24, strike "1977" and insert "1980"

Page 3, line 25, strike "1978" and insert "1981"

Amend the title as follows:

Page 1, line 4, after "on" insert "certain"

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Purfeerst from the Committee on Transportation, to which was re-referred

H. F. No. 33: A bill for an act relating to motor vehicles; defining motorized bicycles; providing for the registration of motorized bicycles and the licensing of their operators; providing operating rules; amending Minnesota Statutes 1976, Chapter 169, by adding a section; and Sections 168.011, Subdivision 26, and by adding a subdivision; 168.013, by adding a subdivision; 168.27, Subdivision 20; 168A.01, Subdivision 24; 169.01, Subdivision 4, and by adding a subdivision; 169.305, Subdivision 1; 171.01, Subdivision 17, and by adding a subdivision; and 171.02, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, strike line 18

Page 3, line 19, strike everything before "or"

Page 3, line 20, before the period insert "*, but including motorized bicycles as defined in section 168.011, subdivision 27*"

Page 4, line 10, strike "*otherwise*"

Page 4, line 10, strike "*all*" and insert "*in this section the*"

Page 4, line 10, after "*provisions*" insert "*of section 169.221*"

Page 4, line 11, strike "*shall be equally*" insert "*are*"

Page 6, strike lines 17 to 20 and insert:

"Sec. 13. [EFFECTIVE DATE.] *Sections 1, 2 and 3 are effective November 15, 1977, for the vehicle registration year 1978 and subsequent years. The remaining sections of this act are effective August 1, 1977.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 266: A bill for an act relating to elections; providing for training of all election officials; prescribing certain duties for the secretary of state; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 204A.13, Subdivision 2, is amended to read:

Subd. 2. [ELECTION LAW; INSTRUCTIONAL MATERIALS, TESTS.] On or before July 1 of every even-numbered year the secretary of state shall furnish to the county auditors sufficient copies of the Minnesota election law. The secretary of state *shall also may* prepare and transmit to the county auditors *guides for election officers in pamphlet form, for the conduct of their duties as prescribed by law detailed written instructions on election laws relating to the conduct of elections, conduct of voter registration and voting procedures.*

Sec. 2. Minnesota Statutes 1976, Section 204A.13, is amended by adding a subdivision to read:

Subd. 5. [CONFERENCES FOR COUNTY AUDITORS.] *Before each statewide primary election the secretary of state shall conduct conferences for county auditors for the purpose of giving instructions on the administration of election laws and the training of local election officials and election judges.*

Sec. 3. Minnesota Statutes 1976, Section 204A.13, is amended by adding a subdivision to read:

Subd. 6. [ELECTION JUDGES TRAINING.] *The secretary of state shall formulate a training program for election judges throughout the state and for this purpose shall adopt rules in accordance with chapter 15.*

Sec. 4. Minnesota Statutes 1976, Section 204A.14, Subdivision 1, is amended to read:

204A.14 [CLERKS, ELECTION SUPPLIES, DUTIES.] Subdivision 1. [INSTRUCTION MEETINGS FOR ELECTION OFFICIALS.] Before each ~~state~~ *statewide* primary election, the auditor of each county shall *conduct a program of in-service training for local election officials, and for this purpose may require* the clerks of the municipalities and the chairmen of the several election boards within the county to meet with him at the time the clerks are required to secure the election supplies from him ; ~~and~~ . The auditor shall conduct the meeting in such manner as he deems proper to instruct the clerks and chairmen of the several election boards as to election procedures including, but not to be restricted to, duties of municipal clerks and election judges. The expenses incidental to attending ~~the meeting~~ *an in-service training*

program with the county auditor shall be borne by the municipalities.

Sec. 5. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.175] [TRAINING FOR ELECTION JUDGES; DUTIES OF THE COUNTY AUDITOR.] *The county auditor of each county shall train all election judges who are appointed to serve at any election to be held in the county. Training shall be in accordance with the rules adopted by the secretary of state pursuant to section 3. The county auditor may delegate to a municipal election official the duties to train election judges for any municipality.*

Sec. 6. Minnesota Statutes 1976, Section 204A.18, is amended by adding a subdivision to read:

Subd. 5. Except as provided in section 204A.20, no person may be a judge unless he has received training as provided in section 5 prior to the election at which he is to serve.

Sec. 7. Minnesota Statutes 1976, Section 204A.20, is amended to read:

204A.20 [VACANCIES IN JUDGES.] *When any judge fails to attend at the time and place appointed for holding an election, within 30 minutes after the opening of the polls, or after entering upon the discharge of his duties, becomes unable, or for any reason fails or refuses, to complete the performance of his duties, the remaining judges of the precinct shall elect a qualified person from the precinct to fill the vacancy. A person need not have received training pursuant to section 5 to be qualified to serve as a judge pursuant to this section.*

Sec. 8. [APPROPRIATION.] *The following sums are appropriated from the general fund to the secretary of state for the biennium ending June 30, 1979:*

- (a) For the purpose of formulating a training program for election judges pursuant to section 3 \$5,500.*
- (b) For the purpose of preparing written instructions for county auditors pursuant to section 1 \$2,500."*

Amend the title as follows:

Page 1, line 3, after "officials;" insert "requiring training prior to service as an election judge;"

Page 1, line 3, strike "prescribing" and insert "imposing"

Page 1, line 4, strike "for" and insert "on"

Page 1, line 4, after "state" insert "and county auditors"

Page 1, line 4, after "money" insert "; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.18, by adding a subdivision; 204A.20; and Chapter 204A, by adding a section"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 765: A bill for an act relating to motor vehicle and highway noise control; requiring the commissioner of transportation to implement noise abatement measures; prohibiting construction of acoustical barriers except where required on federal aid highways; requiring the commissioner of public safety to cooperate in noise abatement measures; requiring a study and report concerning motor vehicle source noise enforcement devices and methods; increasing the complement of the state patrol; appropriating money; amending Minnesota Statutes 1976, Chapter 161, by adding a section; repealing Minnesota Statutes 1976, Section 161.125.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 161, is amended by adding a section to read:

[161.126] [NOISE ABATEMENT.] *Subdivision 1. [DUTIES OF THE COMMISSIONER.] Whenever the noise level attributable to vehicular traffic on any trunk highway in an incorporated area exceeds federal noise standards for existing land activities at a location along that highway, the commissioner shall implement noise abatement measures that reduce the noise at that location to a level equal to or below federal noise standards. Notwithstanding any other law to the contrary, the commissioner shall not be required to reduce the noise at any location along any trunk highway to a level which is lower than that required by federal noise standards. For the purpose of this subdivision "existing" means in existence or planned, designed and programmed at the time that the commissioner officially adopts the location of a proposed highway construction or reconstruction project.*

Subd. 2. [NOISE ABATEMENT MEASURES.] For the purpose of this section, noise abatement measures include the following:

(a) traffic management measures, including reduced speed limits or exclusion and rerouting of excessively noisy vehicles;

(b) design and construction measures, including use of sound absorbing road surface materials, landscaping and planning, acquisition of buffer zones or noise insulation of buildings on abutting property;

(c) enforcement of the motor vehicle source noise limits of the pollution control agency and of the federal bureau of motor carrier safety; and

(d) other measures designed for the purpose of reducing motor vehicle source noise or reducing the effects of that noise. The commissioner of public safety shall cooperate with the commissioner of transportation in implementing any noise abatement measures that include law enforcement activities.

Subd. 3. [ACOUSTICAL BARRIERS PROHIBITED; EXCEPTION.] *The commissioner shall endeavor as far as possible to comply with federal and state noise standards on trunk highway routes by noise abatement measures other than acoustical barriers. The commissioner shall construct no acoustical barriers, except barriers which are created as a result of landscaping and planting or integration of a roadway into the natural topography of an area, at any trunk highway location unless: (a) required by the federal highway administration as a condition of design approval for an interstate or other federal aid highway, or (b) the commissioner finds that no noise abatement measures other than acoustical barriers will be effective to meet the noise standards prescribed in subdivision 1 for that trunk highway location. Where acoustical barriers are constructed as provided in this subdivision, the barriers shall be designed in a manner consistent with the aesthetic values of the area in which they are constructed. The commissioner shall maintain all acoustical barriers along interstate and trunk highways in a safe and attractive condition.*

Subd. 4. [EXPENDITURES FOR NOISE ABATEMENT.] *The commissioner shall annually expend an amount equal to one percent of an amount equal to 62 percent of the revenues derived from the tax imposed on gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state, for the purpose of implementing noise abatement measures along interstate highways as provided in this section. In the event that funds derived from this one percent exceed the amount necessary to implement noise abatement measures on interstate highways, the commissioner shall use the excess funds to implement noise abatement measures along other trunk highways as provided in this section. The commissioner shall endeavor as far as possible to obtain federal money to match state expenditures pursuant to this subdivision. Between December 31, 1977 and December 31, 1979, no more than 50 percent of the funds required to be expended pursuant to this subdivision shall be used for the design and construction of acoustical barriers. The remaining 50 percent shall be used for experimental implementation of other noise abatement measures as defined in subdivision 2 of this section.*

Sec. 2. [NOISE ENFORCEMENT STUDY; REPORT.] *The commissioner of public safety with the cooperation of the pollution control agency shall endeavor, through appropriate research and experimentation, to develop a directional noise monitoring device which is effective in measuring the noise level of individual motor vehicles and can be operated from a stationary or moving patrol car by a single law enforcement officer for the purpose of enforcing motor vehicle source noise standards. The commissioner of public safety shall submit a report of the findings of this research and experimentation to the legislature no later than December 31, 1977. This report shall include:*

(a) an analysis of alternative types of noise monitoring devices and a description of the cost and capabilities of each type; and

(b) an analysis and estimate of the number and the cost of additional state patrol officers, or other enforcement officers, noise monitoring devices and other facilities necessary to achieve effective enforcement of state motor vehicle source noise limits within incorporated areas on interstate highways and on other trunk highways in the state.

Sec. 3. [COMPLETION OF ACOUSTICAL BARRIERS.] *Notwithstanding any other provisions of this act, the commissioner of transportation may complete the construction of any acoustical barrier authorized by law prior to the effective date of this act for which construction began or a contract was let or federal design approval or a resolution of a city council requesting construction was received on or before June 30, 1977, and for that purpose may expend money authorized for expenditure for noise abatement measures pursuant to section 1, subdivision 4, of this act.*

Sec. 4. [APPROPRIATION.] *Subdivision 1. [NOISE MONITORING DEVICE STUDY.] The sum of \$33,000 is appropriated from the general fund to the department of public safety for expenditure for the purposes of section 2 of this act. This appropriation shall not lapse, but shall be available for expenditure until June 30, 1978.*

Subd. 2. [STATE PATROL; INCREASED COMPLEMENT APPROPRIATION.] The approved complement of uniformed troopers of the state patrol is increased by 50 persons for the biennium ending June 30, 1979. The sum of \$1,900,000 is appropriated from the general fund to the department of public safety for the biennium ending June 30, 1979, for expenditure for the purpose of this subdivision.

Sec. 5. [REPEAL.] *Minnesota Statutes 1976, Section 161.125, is repealed.*

Sec. 6. [EFFECTIVE DATE.] *Except for section 4, subdivision 2, which is effective July 1, 1977, this act is effective the day following final enactment."*

Further amend the title as follows:

Page 1, line 5, before the semicolon insert "to meet federal noise standards"

Page 1, line 7, before the semicolon insert "or where all other measures will not be effective"

Page 1, line 7, after the semicolon insert "requiring expenditure on noise abatement other than acoustical barriers;"

Page 1, line 8, strike "measures" and insert "enforcement"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 572: A bill for an act relating to credit unions; au-

thority of state chartered credit unions; amending Minnesota Statutes 1976, Section 52.04.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, before "A" insert "*Subdivision 1.*"

Page 4, line 10, restore the stricken period and strike the semicolon

Page 4, line 11, strike "(15)" and insert "*Subd. 2.*" and strike "or"

Page 4, line 12, strike "*regulation*" and after "*authorize*" insert "*a*"

Page 4, line 12, strike "*unions*" and insert "*union*"

Page 4, line 13, strike "*such*" and insert "*the*" and strike "*unions*" and insert "*union*"

Page 4, line 14, strike "*they*" and insert "*it*"

Page 4, line 15, strike "*such*" and insert "*the*"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "extending the"

Page 1, line 3, before the semicolon insert "to permit same activities as federally-chartered credit unions where commissioner of banks authorizes by rule"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 720: A bill for an act relating to commerce; regulation of subdivision of lands by the commissioner of securities; extending time for filing reports of subdivided land; amending Minnesota Statutes 1976, Section 83.30, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 716: A bill for an act relating to credit unions; authorizing certain contracts between credit unions; amending Minnesota Statutes 1976, Section 52.04.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1071: A bill for an act relating to appropriations; providing funds for the programs of the Minnesota International Center.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "fund" insert "for the biennium beginning July 1, 1977"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 589: A bill for an act relating to the secretary of state; authorizing distribution of free legislative manuals; amending Minnesota Statutes 1976, Section 5.08, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 10 to 12, reinstate the stricken language

Page 2, line 12, after the period insert "*After July 1 of every even-numbered year, the secretary of state may distribute remaining copies of the manual without charge to schools throughout the state.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1004: A bill for an act relating to metropolitan government; providing for the investment of metropolitan airports commission funds; amending Minnesota Statutes 1976, Section 473.606, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 12, after the period, insert "*The commission may purchase certificates of deposit from a depository bank in an amount exceeding that insured by federal depository insurance to the extent that those certificates are secured by collateral maintained by the bank in a manner as prescribed for investments of the state board of investment.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 964: A bill for an act relating to labor relations; providing for the exclusion of certain positions and classes of positions

in the classified and unclassified civil service of the executive branch from bargaining units; amending Minnesota Statutes 1976, Section 179.74, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, after the comma, insert "*all unclassified positions in the state university system and the community college system defined as managerial by their respective boards,*"

Page 2, line 4, strike "or" and insert "and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 894: A bill for an act relating to state employees; permitting certain wage deductions; amending Minnesota Statutes 1976, Section 10.39, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "departments" insert "*and agencies*"

Page 1, line 11, strike "government of the"

Page 1, line 11, strike "of Minnesota" and insert "*government*"

Page 1, line 12, strike "by and"

Page 1, lines 12 and 13, strike "of any state department"

Page 1, line 13, strike the first "such" and insert "*the*"

Page 1, line 13, strike the second "such" and insert "*any*"

Page 1, line 14, strike "or sums"

Page 1, line 14, strike "such" and insert "*the*"

Page 1, line 15, strike the comma and insert a semicolon

Page 1, line 16, after the comma insert "*a non-profit corporation organized pursuant to Minnesota Statutes to provide benefits and services for public employees,*"

Page 1, lines 19 and 20, strike "such"

Page 2, line 2, strike "credit union or organization" and insert "*entity*"

Page 2, line 5, strike everything before the period and insert "*that entity*"

Page 2, line 9, strike "the effective date of this act" and insert "*June 5, 1971*"

Page 2, after line 9, insert:

"Sec. 2. This act is effective at the start of the first payroll period after July 1, 1978."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 881: A bill for an act relating to elections; permitting electronic voting systems for absentee voters; amending Minnesota Statutes 1976, Section 206.07, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [PUNCHCARD ABSENTEE BALLOT DEMONSTRATION PROJECTS.] The secretary of state may supervise and direct demonstration projects in one or more municipalities that use punchcard ballots and automatic tabulating equipment pursuant to Minnesota Statutes, Chapter 206, at an election held in 1977. A municipality participating in such a project is authorized to use punchcard ballots for persons voting by absentee ballot in the manner directed by the secretary of state. The secretary of state shall evaluate the results of each project and submit a report and recommendations concerning the future use of punchcard ballots for absentee voting to the legislature no later than January 15, 1978.

Sec. 2. [EFFECTIVE DATE.] This act is effective the day following final enactment and shall expire January 31, 1978."

Strike the title in its entirety and insert:

"A bill for an act relating to elections; directing the secretary of state to authorize and direct demonstration projects for the use of punchcard ballots for absent voters."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 1248: A bill for an act relating to elections; providing for an informational pamphlet on voting methods, voter registration and constitutional amendments at the general election; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike line 8 and insert:

"Section 1. Minnesota Statutes 1976, Section 204A.03 is amended to read:

204A.03 [NOTICE OF ELECTION; VOTERS PAMPHLET.]
Subdivision 1. [NOTICE.] Between June 1 and July 1 in each election year the secretary of state shall cause a notice to be delivered to the auditor of each county, specifying all the officers whose certificates of nomination are issued by the secretary to be voted for in the county at the next general election; and each auditor, within ten days after receipt thereof, shall cause a notice to be delivered to each town and city clerk in his county of all officers to be voted for in the county at the election."

Page 1, line 9, strike "1." and insert:

"*Subd. 2.*"

Page 2, line 6, after "fund" insert "*for the biennium ending June 30, 1979,*"

Renumber the subdivisions in sequence

Underline all new language in the bill

Amend the title as follows:

Page 1, line 5, before the period insert: "; amending Minnesota Statutes 1976, Section 204A.03"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 882: A bill for an act relating to elections; providing for the tabulation and announcement of votes cast on electronic voting systems; amending Minnesota Statutes 1976, Section 206.-185, Subdivision 5, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [EXPERIMENTAL COUNTING PROCEDURE.]
 Subdivision 1. Any municipality using ballot cards and automatic tabulating equipment pursuant to the provisions of Minnesota Statutes, Chapter 206, at any election held in 1977 may use the procedure for counting ballot cards provided by subdivision 2 when authorized to do so for experimental purposes by the secretary of state. The secretary of state may authorize one or more municipalities to use the modified procedure provided by subdivision 2 at municipal elections held in 1977 subject to conditions imposed by the secretary of state to assure a fair and accurate account and to prevent the destruction of any ballots. A municipality authorized to use the procedure provided in subdivision 2 shall comply with all provisions of Minnesota Statutes, Chapter 206, which are not inconsistent with that procedure.

Subd. 2. Upon the arrival of ballot cards at a counting center, the cards shall be directed to the judges assigned to inspection and verification for examination for physical defects and for replace-

ment according to Minnesota Statutes, Section 206.185, Subdivision 4, except that the ballot cards which at the precinct were determined not to be defective by reason of improper write-in votes may be counted immediately by the automatic tabulating equipment. The results of the preliminary tabulation may be made available to the public provided that the tabulation is clearly identified as unofficial.

After a preliminary tabulation has been made, the ballot cards shall be returned to the judges assigned to inspection and verification. The ballot cards shall then be examined for physical defects and replaced, if necessary, according to section 206.185, subdivision 4. A final tabulation of ballot cards shall be obtained from the automatic tabulating equipment after all defective cards have been replaced which, together with the returns of write-in and absentee votes, shall constitute the official return of each precinct. Upon completion of the official returns those returns shall be open to the public.

Subd. 3. The secretary of state shall monitor any ballot count conducted pursuant to this section, shall evaluate the effects of the use of the modified procedure and submit a report and recommendations concerning future use of the procedure to the legislature no later than January 15, 1977.

Sec. 2. [EFFECTIVE DATE.] This act is effective the day following final enactment and shall expire January 31, 1978."

Strike the title in its entirety and insert:

"A bill for an act relating to elections; directing the secretary of state to authorize a modified counting procedure for punchcard ballots; authorizing municipalities to use certain election procedures for experimental purposes; requiring reports."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 458: A bill for an act relating to welfare; increasing the personal allowance for persons in care facilities; amending Minnesota Statutes 1976, Section 256B.35, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "\$50" and insert "\$35"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1058: A bill for an act relating to human services; providing grants to plan and organize human services programs;

requiring notification of affected state agencies; requiring certain membership on advisory councils; promulgating rules; amending Minnesota Statutes 1976, Sections 402.01, by adding a subdivision; 402.02, Subdivisions 1 and 2; 402.03; 402.04, Subdivision 1; 402.05; and 402.06; repealing Minnesota Statutes 1976, Section 402.08 and 402.09.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 29, strike "Receive and expend for the purposes of sections"

Page 2, strike lines 30 to 32 and insert "*Perform all clerical and accounting functions for the receipt and expenditure of funds for the purposes of sections 402.01 to 402.10*"

Page 3, line 1, after "*Rent*" strike the comma and insert "*and*"

Page 3, line 1, after "*purchase*" strike "*, and own*"

Page 3, line 1, after "*equipment;*" strike "*and*"

Page 6, line 4, after "*grants*" insert "*not to exceed \$25,000,*"

Page 6, line 5, strike "*Planning grants shall be*"

Page 6, strike lines 6 and 7 and insert "*Applications for grants shall be made on forms approved by the state planning officer.*"

Page 7, line 8, before "*for*" insert "*, not to exceed \$75,000,*"

Page 7, line 8, strike "*not to exceed*" and insert "*of*"

Page 7, strike lines 9 to 11 and insert "*Applications for grants shall be made on forms approved by the state planning officer.*"

Page 7, after line 19, insert:

"Sec. 9. On or before the first day of July each year the human services board shall submit to each county board of commissioners participating in the human services board an estimate of the amount needed by it to perform its duties, including expenses of administration, and, if approved, each county shall levy a tax as provided by law for these purposes. In the event the estimate is not approved, each county board of commissioners participating in the human services board shall confer with the human services board, develop a budget and levy a tax for the amount required. The state auditor shall audit the books and accounts of the human services board once each year. The human services board shall pay to the state the total cost and expenses of the examination, including the salaries paid to auditors while actually engaged in making the examination. The revolving fund of the state auditor shall be credited with all collections made for any examination.

Sec. 10. The state planning officer shall have authority for human services development. He may appoint professional and clerical staff as he deems necessary. The positions shall be established in the unclassified civil service pursuant to section 43.05, for a period not to exceed two years.

Sec. 11. *The state planning officer shall be the repository for all files, reports, documents, information and property acquired by or otherwise considered the property of the office of human services created pursuant to Laws 1975, Chapter 434, Section 2, Subdivision 24, except property which was loaned by other state agencies. The state planning officer shall assume ongoing or continuing duties of the office of human services, including, but not limited to:*

(1) *support for the development of human services boards created pursuant to Minnesota Statutes, Chapter 402; and ongoing technical assistance to the boards;*

(2) *disbursement and monitoring grants pursuant to section 402.01;*

(3) *receiving and coordinating the review of annual plans required by section 402.06; and*

(4) *cooperating with other state departments and agencies in assisting local human services integration projects. Any unexpended funds from the appropriation established pursuant to Laws 1975, Chapter 434, Section 2, Subdivision 24 shall not cancel and shall be reappropriated for the purposes of this section."*

Renumber the subsequent section

Page 7, after line 21, insert:

"Sec. 13. This act shall be effective July 1, 1977."

Further amend the title as follows:

Page 1, line 6, after "rules;" insert "providing for auditing of funds; giving additional powers to the state planning officer; appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 707: A bill for an act relating to public welfare; establishing programs for displaced homemakers; establishing multipurpose service programs; defining terms; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [CITATION.] Sections 1 to 5 may be cited as the "Equal Opportunity for Displaced Homemakers Act".

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 5, the terms defined in this section have the meanings given them.

Subd. 2. "Displaced homemaker" means a person who (1) worked in the home for a substantial number of years providing unpaid household services for family members and was dependent upon another family member or federal assistance for support and (2) who is not gainfully employed and has difficulty in securing employment.

Subd. 3. "Director" means the executive director of the governor's manpower office.

Sec. 3. [DISPLACED WORKER PROGRAMS.] Subdivision 1. In order to enable the displaced homemaker to contribute to society and maintain independence and economic security, the director (1) shall allocate funds to two pilot programs, one in the metropolitan area and one in rural Minnesota and (2) may enter into contracts with existing private nonprofit organizations and agencies with experience in dealing with displaced homemakers to provide the counseling, training, and placement services authorized by sections 1 to 5. The governor's manpower office shall retain ultimate responsibility for administration of the counseling, training and placement programs.

Subd. 2. The director shall allocate funds to establish specific components within the pilot programs to more effectively serve the individual needs of the displaced homemakers. The programs shall assist the displaced homemaker in finding permanent employment and may work with the department of employment services and any other agency to secure employment for displaced homemakers. The programs shall provide the following services to facilitate job placement:

(a) Job counseling services which shall be designed specifically for displaced homemakers and include counseling with respect to appropriate job opportunities;

(b) Job training and job placement services which shall:

(1) Provide weekly training allowances based on need for a maximum period of three months to displaced homemakers who are economically disadvantaged or receiving public and private job training or education;

(2) Develop jobs by working with state and local government agencies and private nonprofit organizations;

(3) Develop individual employment plans to comprehensively provide or assist in obtaining specific services including health care, child support, financial counseling, education and training counseling, and legal counseling; and

(4) Take into account and build on the skills and experiences of the displaced homemakers.

Sec. 4. [ADMINISTRATION OF PROGRAMS.] Subdivision 1. The director shall cooperate with federal, state and local agencies and private employers to coordinate the service programs established pursuant to section 3. The director, with the advice of the

governor, shall promulgate emergency rules concerning the eligibility of persons for the job training and other programs provided for under sections 1 to 5, as well as the level of stipends for the job training programs. The director shall assist displaced homemakers in applying for appropriate welfare programs and shall take welfare allowances received into account in setting the stipend level. Income received as a stipend under this program shall be totally disregarded for purposes of determining eligibility for and the amount of a general assistance grant.

Subd. 2. The director shall evaluate the effectiveness of the job training, placement and service to displaced homemakers, including the number of persons applying for benefits, number of persons trained, the number of persons placed in employment, follow-up data on the persons, the number of persons served by the pilot programs, and cost effectiveness of the various components of the pilot programs. The director shall report to the legislature on the evaluation by March 15, 1979.

Subd. 3. The coordinator of each pilot program may accept, use and dispose of contributions of money, services and property from any source for the purposes of sections 1 to 5. Any funds accepted pursuant to this subdivision are hereby appropriated for the purposes for which they are received.

Sec. 5. [PILOT PROGRAM STAFFING.] To the extent possible, supervisory, technical, and administrative positions in the pilot programs established pursuant to sections 1 to 5 shall be filled by displaced homemakers.

Sec. 6. [APPROPRIATIONS.] There is appropriated from the general fund to the executive director of the governor's manpower office the sum of \$320,000 for the purposes of sections 1 to 5."

Further amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to the governor's manpower office; providing for the employment and training of displaced homemakers; authorizing certain job training, counseling and placement activities; appropriating money."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 862: A bill for an act relating to education; encouraging school boards to issue competency certificates to certain students; removing the age limitations on the taking of G.E.D. tests by secondary school students and allowing the charging of fees therefor.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 233: A bill for an act relating to education; Montessori schools; providing licensing procedure and exempting Montessori schools from certain regulations; providing penalties; amending Minnesota Statutes 1976, Section 245.791.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 3 of this act, the following terms shall have the meanings given.

Subd. 2. “Child” means a person between the ages of one and one-half and six years.

Subd. 3. “Commissioner” means the commissioner of education and includes a representative designated by the commissioner.

Subd. 4. “Montessori school” means an institution meeting the requirements of sections 1 to 3 of this act with a primary function of educating children according to the Montessori method.

Subd. 5. “Montessori teacher” means a teacher certified by either the Montessori Foundation of Minnesota, Inc., Association Montessori Internationale or the American Montessori Society, or their successors, and may also include a person certified by the St. Nicholas Training Course of London who (a) has served an internship of one academic year under the supervision of a teacher certified by the Association of Montessori Internationale, the American Montessori Society or the Montessori Foundation of Minnesota, Inc., or their successors; or (b) is recognized as a Montessori teacher by the Montessori Foundation of Minnesota, Inc. on the effective date of this act.

Subd. 6. “Provisional accreditation” means an accreditation by the accrediting body issued to a school temporarily unable to comply with all of the requirements for accreditation.

Sec. 2. [ACCREDITATION REQUIRED; ACCREDITING AUTHORITY.] Subdivision 1. No Montessori school shall be operated in this state unless and until it has been accredited or provisionally accredited by an accrediting body approved by the commissioner. Upon such accreditation, a Montessori school may be operated without any other accreditation, license or approval from any department or agency of this state; provided, however, the school shall be subject to inspection by the state departments of health and public safety or by local agencies to determine compliance with state and local fire and health regulations, local zoning ordinances, and with applicable safety and building codes.

Subd. 2. Within 60 days of application, the commissioner shall, in accordance with the standards established in subdivision 3, approve or disapprove the application of an accrediting body to

allow it to accredit Montessori schools in Minnesota. This approval by the commissioner shall be for a four year period.

Subd. 3. To be an accrediting body the organization (a) must have a minimum of 15 Montessori schools which it will be or is accrediting, (b) must be a nonprofit entity with a governing body of at least seven persons, and (c) must not have a proprietary interest in, or voting control over, the schools it is or will be accrediting except for Montessori model classrooms, not exceeding five in number, of such accrediting body.

Sec. 3. [MINIMUM REQUIREMENTS.] The following minimal requirements shall be used by the accrediting body as a basis for accreditation:

(a) Admissions shall be open to children of all races, creeds or color;

(b) The physical plant shall comply with state and local fire and health regulations, local zoning ordinances and with applicable safety and building codes;

(c) The facility shall be attractive, cheerful, orderly, clean and in good repair;

(d) The facility shall provide no less than 35 square feet of useable working space per child and provide each child space for his personal belongings and schoolwork;

(e) Flooring shall be of a type that can be kept clean and safe;

(f) Rooms shall be adequately lit; painted in suitable colors; provided with low accessible shelving in suitable colors with adequate space for storage; and furnished with lightweight, movable, child-sized furniture, tables and chairs;

(g) Suitable rugs and mats shall be available and accessible to the children and orderly storage space for mats shall be provided;

(h) Toilet facilities shall be accessible and adequate for the number of children enrolled, shall be clean and have adequate hand washing facilities;

(i) Outdoor space shall be easily accessible, safe, and protected; outdoor equipment shall be safe and provide adequate opportunity for a variety of large muscle activities;

(j) A full range of Montessori equipment to permit independent work by the child with full consideration for others shall be provided;

(k) Learning activities shall include: (1) care for the self and the environment; (2) activation of the senses in preparation for accurate, conscious observation of the physical world; (3) development of ability in the use of English, reading, writing, mathematics and music. Geography, history, life science, art, dance, dramatics, and a second language may be included;

(l) The classroom shall have a mixed age group after the first year of operation;

(m) Children from two and one-half to six years of age shall have the minimum number of hours in the classroom and the minimum school days per week established by rule of the accrediting body;

(n) Parents shall be allowed to observe children at work; and

(o) Each classroom shall have at least one Montessori teacher.

Sec. 4. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, before "Montessori" insert "requiring the accreditation of"

Page 1, line 2, after "schools;" insert "providing for the approval of accrediting authorities by the commissioner of education."

Page 1, strike lines 3 to 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was re-referred

S. F. No. 731: A bill for an act relating to state finance; authorizing payments pursuant to grievance resolutions; amending Minnesota Statutes 1976, Section 16A.17, Subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "or" insert "*with the approval of the commissioner of personnel, pursuant to the resolution of a grievance through the formal steps of a grievance procedure established by law or collective bargaining agreement,*"

Page 1, lines 17 to 19, strike the new language

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was re-referred

S. F. No. 675: A bill for an act relating to economic development; providing grants to community development corporations; setting out criteria for making such grants; appropriating funds; amending Minnesota Statutes 1976, Chapter 362, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, strike "1060.2-4" and insert "1060.2-2"

Page 1, line 22, strike "*commissioner of economic development is*" and insert "*director of the state planning agency shall*"

Page 1, line 23, strike "*responsible to*"

Page 1, line 23, strike "*may make*"

Page 2, strike lines 1 and 2 and insert "*shall enforce the rules related to the community development corporations promulgated by the department of economic development. The director may amend, suspend, repeal or otherwise modify these rules as provided for in chapter 15.*"

Page 2, line 3, strike "*commissioner*" and insert "*director*"

Page 2, line 14, strike "*when*"

Page 2, line 15, strike "*authorized by the metropolitan council*" and insert "*or cities, townships, unincorporated areas or combinations thereof*"

Page 2, line 21, strike "*commissioner*" and insert "*director*"

Page 3, line 2, strike "*commissioner*" and insert "*director*"

Page 3, line 8, strike "*commissioner*" and insert "*director*"

Page 3, line 18, strike "*commissioner*" and insert "*director*"

Page 3, line 31, strike "*commissioner of economic development*" and insert "*director of the state planning agency*"

Page 3, line 32, strike "\$1,500,000" and insert "\$1,574,000"

Page 4, line 1, strike "*equitably*" and insert "*equally*"

Page 4, line 2, strike "*outstate*" and insert "*nonmetropolitan*"

Page 4, line 2, strike "\$89,579" and insert "\$74,200"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 472: A bill for an act relating to retirement; additional employer contributions to amortize the deficit in the teachers' retirement fund; amending Minnesota Statutes 1976, Section 354.42, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "Subd. 5." strike the balance of the line

Page 1, strike lines 11, 12 and 13

Page 1, line 14, strike "July 1," and strike "1977"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 66: A bill for an act relating to the operation of state government; providing for the expiration or periodic revaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“ARTICLE I

Section 1. [15.062] [PERIODIC EXPIRATION OF STATE REGULATORY PROGRAMS.] Subdivision 1. [POLICY.] The legislature finds that the regulation of activities of citizens and business associations by state agencies has substantially expanded without adequate provision for legislative oversight. The legislature further finds that regulation of citizen and business activity should only continue if that regulation is required for the safety or welfare of the citizens of the state and if the regulation will not have an unreasonably adverse effect on the competitive market. A regulatory program shall not be presumed to be desirable or necessary simply because it has existed for a period of time; a regulatory program shall expire unless the need for its continued existence can be affirmatively demonstrated. To monitor the continued necessity of existing state regulatory programs the legislature hereby adopts a schedule mandating the periodic expiration of those programs unless subsequent legislation is enacted continuing the programs in their current or amended forms.

Subd. 2. [LEGISLATIVE REVIEW PROCESS.] The legislature further finds that an effective and efficient program review mechanism requires the careful balancing of many functions. These include the legislative appropriations process, regular program review by standing committees of the legislature, administrative rule review by executive and legislative branch agencies, fiscal audits and performance evaluations by the legislative audit commission, and financial and management analysis by executive branch agencies. To insure that the program review mechanism provided in article I properly recognizes and interrelates these various functions, the legislature intends to terminate this mechanism one year after its first full year of operation in order to assess the results and implement, where appropriate, necessary improvements.

Subd. 3. [EXPIRATION OF REGULATORY PROGRAMS.] Unless otherwise provided by subsequent legislation which specifically references this act, regulatory programs of state agencies shall expire pursuant to the schedule published as provided in article II, section 9.

Sec. 2. [15.0621] [LEGISLATIVE AUDITOR REVIEW.] Subdivision 1. No later than April 1 of the year prior to the scheduled expiration of a program, the legislative audit commission

shall have advised the legislative auditor to undertake program evaluations of one or more of the regulatory programs scheduled for expiration in the following year. A standing committee of the legislature shall submit any recommendations for program evaluations to the commission no later than March 1 of each year if one or more regulatory programs within that committee's jurisdiction are scheduled to expire in the following year. The form of the program evaluations shall be as prescribed by the commission. The evaluations shall be submitted to the commission and the appropriate standing committees of the legislature no later than December 1 of the year preceding the scheduled expiration of the program. The legislative auditor shall schedule fiscal audits of the regulatory programs to be completed wherever practicable in the year preceding the scheduled expiration of a program.

Subd. 2. A program evaluation shall measure and evaluate at least the following:

- a. the extent to which the program has been implemented in accordance with legislative intent;
- b. the degree to which the program has protected the safety or welfare of citizens of the state;
- c. the efficiency by which the program is administered by a state agency;
- d. the benefit to citizens of the state from the program as compared to costs incurred by the state and by persons who are regulated pursuant to the program;
- e. the benefit to citizens of the state from the program as compared to restraints imposed by the program on a free competitive market;
- f. the ease with which citizens and business associations are permitted to engage in activities regulated by the agency;
- g. the responsiveness of the agency to citizen complaints;
- h. alternative means by which the safety or welfare of citizens can be adequately protected assuming the regulatory program were to expire; and
- i. the desirability of continuing the program in its current or amended form.

Sec. 3. [15.0622] [INTERNAL AGENCY REVIEW.] No later than February 1 of the year preceding the scheduled expiration of a program, the agency which administers the program shall provide the legislative audit commission, the commissioner of finance, and the appropriate standing committees of the legislature with information on the fiscal and program activities covering the preceding seven years. The information shall be provided in a manner as prescribed in section 4 and shall include at least the following:

- a. a summary of program activities including the granting.

denial, suspension and revocation of agency permission to engage in regulated activities;

b. a statement of receipts and expenditures which shall include the cost to the state and to regulated persons and business associations of the administration of the regulatory program over each of the preceding seven years;

c. the agency's proposed budget for the upcoming year, including a detailed itemization of costs;

d. alterations which the agency would make in its administration of the program assuming its budget for the upcoming year were 80 percent of its expenditures anticipated for the current year;

e. a concise statement of the benefits, supported where possible by objectively verifiable statistics, which the agency believes result to citizens of the state from the regulatory program;

f. a concise statement of the detriment which the agency believes may result to citizens of the state from the regulatory program;

g. a description of the criteria and methodology used by the agency in arriving at conclusions contained in the statements required in clauses e and f;

h. the agency's opinion and rationale as to whether the regulatory program should be continued, and if continued, whether statutory amendments or other program changes are desirable;

i. the agency's opinion and rationale as to what, if any, protective legislation should be enacted to protect the health and welfare of the citizens of the state if the regulatory program were to expire; and

j. the agency's opinion and rationale as to which other governmental agencies could perform the regulatory activity assuming the program were to be transferred to the jurisdiction of another agency.

Sec. 4. [15.0623] [DUTIES OF COMMISSIONER OF FINANCE.] The provisions of sections 1 to 7 of this article shall not be interpreted to impede or supersede executive branch program review of regulatory activities. Legislative oversight and executive review are complimentary functions and each shall recognize and accommodate the efforts of the other. The commissioner of finance shall consult with the legislative auditor on methods to avoid unnecessary duplication and enhance the utility of each branch's evaluation efforts. The commissioner shall, after review and comment by the legislative auditor, prescribe standard forms and procedures to be used by administering agencies in the provision of information required to be submitted by the agencies pursuant to section 3. Where the commissioner deems appropriate, he may monitor, comment upon or verify the information to be submitted pursuant to section 3. The legislative

auditor is authorized to audit the information and data systems used by an agency to perform its duties under section 3; provided that this authority shall not include access to data on individuals in a manner which is prohibited or limited by other law.

Sec. 5. [15.0624] [LEGISLATIVE REVIEW.] Subdivision 1. Prior to March 15 of each year, the appropriate standing committees of each house of the legislature shall have completed a review of one or more of those regulatory programs scheduled to expire in that year. In performing its review, a committee shall consider the reports and information required by sections 2 to 4 and the opinions of interested parties. Advance notice of committee intent to review a regulatory program shall be published, when possible, in the state register. After completion of its review, a committee shall cause to be introduced legislation to extend the life of a regulatory program which the committee has determined should be extended in its current or amended form.

Subd. 2. If a regulatory program is permitted to expire, legislation enacted during that legislative session and amending the expired sections shall be of no effect, and shall not be deemed reenactments of the expired sections.

Sec. 6. [15.0625] [TRANSITION PERIOD.] Subdivision 1. If all or part of a regulatory program is permitted to expire pursuant to section 1, subdivision 3, the program and all laws and rules in respect to that part of the program permitted to expire shall nonetheless remain in full force and effect until June 30 of the following year in order to permit the administering agency to wind up or provide for the reduction of the program. During this wind up period the agency may not begin to regulate the activities of any person or business association (1) not theretofore regulated by the agency and (2) not within the regulatory jurisdiction of the agency after the following June 30. Upon the termination of the wind up period the agency shall cease all activities in respect to that part of the program which is terminated.

Subd. 2. Sections 1 to 6 shall not result in the termination or dismissal of any claim or right of a citizen against any agency or any claim or right of an agency which is the subject of pending litigation. If an agency is terminated in its entirety as a result of sections 1 to 6, any claims and rights shall be pursued or defended by the commissioner of finance or attorney general as appropriate.

Sec. 7. [PERSONNEL IN AFFECTED AGENCIES.] If the administration of a regulatory program is transferred pursuant to sections 1 to 6 to another agency in substantially its current form, all classified employees who the commissioner of administration determines to be primarily employed in the administration of the program shall be transferred to the new agency without loss of compensation, seniority or other benefits. If the program is permitted to expire, or if the program is reduced so that the commissioner of administration determines that fewer

employees are needed to administer the program, the rights and privileges of classified employees who will not be required for the future administration of the program shall be as provided in existing law or agreements entered into pursuant to Minnesota Statutes, Section 179.74. During the wind up period provided in section 6 the commissioner of personnel, after consultation with the commissioner of administration, shall assist in providing job placement services or retraining programs for any classified employees who will be terminated from state employment as the result of the expiration or reduction of a regulatory program under sections 1 to 6.

Sec. 8. [PILOT PROGRAM.] By July 1, 1977, the legislative audit commission shall designate two of the regulatory programs identified in article II for a pilot study of the procedures specified in sections 3 to 5. By April 1, 1978 the legislative audit commission shall designate one of those programs for a pilot study of the procedures specified in section 2. The procedures prescribed in sections 2 to 5 shall be performed in respect to the pilot regulatory programs as if they were scheduled to expire on June 30, 1979 but the programs shall in fact expire only as provided in article II. The legislative audit commission shall report to the legislature no later than March 1, 1979, on the results of the program and whether amendments to this act are necessary. The legislature shall evaluate the pilot program and determine whether the program review mechanism provided in this article meets the policies and purposes prescribed in article I, section 1.

Sec. 9. [APPROPRIATION.] There is appropriated to the legislative audit commission from the general fund the sum of \$....., and to the commissioner of finance the sum of \$....., for the biennium ending June 30, 1979 in order to implement section 8. The commissioner of finance may transfer to an administering agency of a program selected for review pursuant to section 8, such portions of his appropriation as he has determined are required by the agency to perform its duties under section 3.

ARTICLE II

Section 1. [EXPIRATION SCHEDULE.] The following regulatory programs and statutory sections shall expire according to the schedule provided in sections 2 to 8.

Sec. 2. [GROUP I.] Subdivision 1. On June 30, 1980:

Subd. 2. The authority of the capitol area architectural and planning board to plan, zone and approve construction activities pursuant to section 15.50;

Subd. 3. The authority of the commissioner of administration to regulate collection and maintenance of public records, and to enforce state building codes and mobile home regulations pursuant to sections 15.171, 15.172, 16.853 to 16.867, 327.14 to 327.29 and 327.31 to 327.34;

Subd. 4. The authority of the historical society to protect historic sites, and, with the attorney general, to destroy public records, pursuant to sections 138.17 and 138.60;

Subd. 5. The authority of the commissioner of health to license recreational and camping areas, pursuant to sections 327.14 to 327.29;

Subd. 6. The authority of the Minnesota municipal board to control consolidation, annexation and detachment of cities, pursuant to sections 414.01 to 414.09;

Subd. 7. The authority of the levy limitation board and the commissioner of revenue to grant exemptions from levy limitations, pursuant to sections 275.50 to 275.56;

Subd. 8. The authority of the ethical practices board to promulgate rules relating to campaigns, elections, lobbyists and public officials; to grant exemptions from reporting requirements and to suspend officials for failure to comply, pursuant to sections 10A.01 to 10A.34;

Subd. 9. The authority of the state canvassing board to certify election results, pursuant to section 204A.53;

Subd. 10. The authority of the secretary of state to approve specific types of voting machines, pursuant to section 206.08;

Subd. 11. The authority of the energy agency to prepare and enforce the state energy code, to approve certain energy systems; to grant certificates of need for construction of energy facilities, and to permit gas lights, pursuant to sections 116H.085, 116H.12 to 116H.124 and 116H.127;

Subd. 12. The authority of the commissioner of administration to promulgate and enforce energy standards for public buildings, and to permit utility companies to cross state lands, pursuant to sections 16.88 and 116H.121 to 116H.126.

Sec. 3. [GROUP II.] Subdivision 1. On June 30, 1981:

Subd. 2. The authority of the commissioner of vocational rehabilitation to approve programming and budgets for sheltered workshops, pursuant to sections 129A.06 and 129A.08, subdivision 4;

Subd. 3. The authority of the commissioner of education to approve certain contracts and budgets for computers in school districts, to approve plans for school construction, to license business, trade and correspondence schools, and to permit attendance at a school outside a student's district, pursuant to sections 16.93, 120.065, 120.07, subdivision 2, 121.15, 123.37, subdivisions 3, 4 and 5 and 141.21 to 141.36;

Subd. 4. The authority of the higher education coordinating board to control post-secondary education programs, pursuant to sections 136A.63, 136A.64 and 136A.65;

Subd. 5. The authority of the state board of education to approve budgets, fees, school programs and attendance require-

ments, and to review and control special education, secondary vocational centers, and certain contracts, pursuant to sections 120.10, subdivision 1, 120.17, subdivisions 3, 7, and 10, 120.61, 120.65, 120.67, 120.75, subdivision 2, 123.351, subdivision 6, 123.37, subdivisions 7 to 14 and 124.561, subdivision 3;

Subd. 6. The authority of the cable communications board to issue certificates of confirmation and to establish standards for franchises and equipment pursuant to sections 238.01 to 238.16;

Subd. 7. The authority of the public service commission to approve acquisition, transfer, construction, contracts, rates, accounting methods, or consolidation of public utility plants or companies, pursuant to sections 216B.11, 216B.16, 216B.23, 216B.24, 216B.48, 216B.50, 216B.51, 237.06 to 237.08, 237.16, 237.23 and 237.39;

Subd. 8. The authority of the public service commission to determine standards relating to utility practices and testing, to determine compensation due to a utility after municipal acquisition, to assign service areas and assure adequate utility service, and to approve the capital structure of a utility prior to a sale of securities, pursuant to sections 216B.09, 216B.39, 216B.40, 216B.42 to 216B.49, 237.081, 237.12, 237.20 and 237.21.

Sec. 4. [GROUP III.] Subdivision 1. On June 30, 1982:

Subd. 2. The authority of the board of pharmacy to regulate the manufacture, storage and distribution of controlled substances, pursuant to chapter 152;

Subd. 3. The authority of the commissioner of corrections to approve plans and condemn unfit jails and lockups, and to inspect community corrections facilities, pursuant to sections 241.021, 641.26, 641.261 and 642.02;

Subd. 4. The authority of the state fire marshal to grant variances from fire safety requirements and to revoke hotel licenses for violations, pursuant to sections 299F.39, subdivision 2, 299F.46 and 299F.57, subdivision 5;

Subd. 5. The authority of the commissioner of public welfare to license or control day care and residential facilities and facilities for foster child or adoption placement, and to supervise paroled patients from certain state hospitals, pursuant to sections 245.781 to 245.813, 256.05 and 257.03 to 257.07;

Subd. 6. The authority of the board of health to license nursing homes, hospitals and other health related facilities, health maintenance organizations, hotels, resorts, restaurants, children's camps, and ambulance services, pursuant to sections 62D.04, 62D.08, 62D.15, 62D.17, 144.50 to 144.56, 144.653, 144.71 to 144.76, 144.801 to 144.807 and chapters 144A and 157;

Subd. 7. The authority of the board of health to grant certificates of need for construction, to control smoking in public facilities, and to inspect x-ray machines, pursuant to sections 144.121, 144.411 to 144.417 and 145.71 to 145.83;

Subd. 8. The authority of the board of health to collect and maintain vital statistics, to control the handling of dead bodies, to inspect and control sanitary conditons of public buildings, to license boarding residences and the sale of certain organically derived products, and to treat communicable disease, pursuant to section 144.12;

Subd. 9. The authority of the commissioner of public safety to prescribe standards of security for insureds under the no-fault law, pursuant to section 65B.68;

Subd. 10. The authority of the commissioner of insurance to license and regulate insurance companies, surplus line insurers, sales through vending machines, nonprofit health service plan corporations, assessment benefit associations, and insurance rating services, pursuant to sections 60A.031, 60A.05, 60A.051, 60A.07, subdivisions 4, 6, 7, 8, and 10, 60A.13, subdivision 5, 60A.18, 60A.19, subdivision 6, 60A.20, 62B.14, 62C.04, subdivisions 2 and 4, 62C.06, 62C.08, 62C.09, 62C.11, 62C.12, 62C.14, subdivision 9, 62C.15, 62C.19, 63.02, 63.03, 63.04, 63.05, 63.08, 63.16, 63.21, 63.235, subdivision 7, 63.24, 63.26, 63.30, 63.36, 70A.13, 70A.14, 70A.15, subdivision 3, 70A.17 and 70A.18;

Subd. 11. The authority of the commissioner of insurance to require and approve certain reports and forms, and to permit certain policies and rates, pursuant to sections 60A.06, subdivision 2, 60A.09, subdivision 4, 60A.12, subdivison 8, 60A.13, subdivision 1, 60A.15, subdivisions 2, 8, 9 and 12, 61A.02, subdivision 2, 62A.02, 62A.025, 62A.03, subdivision 2, 62A.04, subdivision 2, 62A.10, subdivision 2, 62A.11, subdivision 3, 62B.07, 62B.08, 62E.04, subdivision 4, 62F.05, subdivision 2, 62F.06, subdivisions 1, 4 and 5, 65A.01, subdivisions 1, 3 and 4, 65A.36, subdivisions 4 and 5, 65B.21, 65B.70, subdivision 5, 69.051, subdivision 4, 70A.02, subdivision 3, 70A.04, subdivision 2, 70A.09, 70A.10, 70A.11, 70A.12, 72A.06, 79.07 and 79.09;

Subd. 12. The authority of the commissioner of insurance to approve the structure of its licensees, to set standards for operations and conducting business, and to order reorganizations, pursuant to sections 60A.076, 60A.12, subdivisions 5 and 7, 60A.16, subdivisions 2 and 3, 60A.22, subdivision 2, 60A.23, subdivision 7, 60C.06, subdivision 3, 60C.07, 60C.08, 60C.14, 60C.16, 60D.02, 60D.03, 60D.04, subdivision 3, 60D.10, 60D.11, 61A.14, subdivisions 7 and 8, 61A.18, 61A.20, 61A.24, 61A.25, 61A.28, subdivision 3, 61A.281, 61A.31, 61A.37, 61A.38, 61A.47, 61A.48, 62D.18, 62D.19, 63.09, 63.235, subdivisions 1 and 8, 64A.10, subdivisions 2 and 4, 64A.14, 64A.15, 64A.21, 64A.29, 64A.32, 64A.33, 64A.34, 65A.17, 65A.19, 65A.24, 65A.35, subdivisions 3 and 4, 65B.03, subdivision 1, 65B.04, subdivisions 1, 2 and 3, 65B.06, 65B.08, 65B.11, 65B.12, 66A.15, 66A.21, subdivisions 2 and 3, 67A.02, subdivision 2, 67A.21, 67A.24, 67A.40, subdivisions 2 and 6, 71A.02, subdivision 1, 79.12, 79.13, 79.15, 79.26, 79.32 and chapter 60B generally;

Subd. 13. The authority of the commissioner of insurance to determine "qualified plans" and false advertising, to monitor and

approve the Minnesota comprehensive health association, and to approve agreements establishing mutual insurance associations, pursuant to sections 62E.05, 62E.09, clauses (b), (c) and (e), 62E.10, subdivision 3, 62E.13, subdivisions 1 to 3, 62E.15, subdivision 1, 62F.04, 66A.08, subdivisions 3 and 4, 72A.35 and 72A.36.

Sec. 5. [GROUP IV.] Subdivision 1. On June 30, 1983:

Subd. 2. The authority of the environmental quality board to require environmental impact statements, to designate areas of environmental concern, and to designate power and transmission line corridors, pursuant to sections 116C.51 to 116C.69, 116D.04 and chapter 116G;

Subd. 3. The authority of the pollution control agency to control activities affecting air and water purity, noise, packaging materials, storage of wastes and to grant waivers for use of certain chemicals, pursuant to sections 115.03, subdivision 1, 115.07, 116.07, 116.081, 116.11, 116.37 and 116F.06, subdivision 2;

Subd. 4. The authority of the commissioner of natural resources to issue licenses or permits for access within, over or above state lands and public waters, for controlling hunting, trapping, mining, fishing, and tree harvesting, for storing liquids and gases, and for alteration, drainage or taking of waters for nonpublic purposes, pursuant to sections 84.415, 84.43 to 84.521, 84.57 to 84.621, 88.22, 89.01, subdivisions 4 to 6, 89.17 to 89.21, 90.151, 93.08 to 93.43, 93.51, 97.48, subdivisions 1, 2, 3, 5, 6, 11, 17, 18, 21, 22, 24, 25, and 26, 97.611, 99.27, 99.28, 100.32 to 100.37, 101.42, subdivision 21, 105.41, 105.42, 105.43, 105.64 and 116.07, subdivision 7;

Subd. 5. The authority of the commerce commission to approve state bank charters, pursuant to sections 45.04 to 45.07;

Subd. 6. The authority of the commissioner of banks to approve conversion of one type of bank to another, to certify or permit certain banking activities, and to license certain banking institutions, pursuant to sections 47.16, 47.28, 47.29, 47.30, 47.31, 47.51 to 47.57, 48.15, 48.152, 48.159, 48.25, 48.36, 48.605, 48.62, 48.67, 48.70 to 48.73, 48.76, 48.77, 55.04, 55.05, 55.06, 55.07, 55.095, 56.04, 56.07, 56.09, 56.11, 56.12, 56.14 and 59A.03 to 59A.05;

Subd. 7. The authority of the commissioner to banks to approve or order structural and organizational changes in banking institutions, pursuant to sections 48.28, 48.31, 48.34, 48.58, 48.60, 49.02, 49.04, 49.05, 49.06, 49.07, 49.17, 49.215, 49.24, 49.33, 49.36, 50.03, 50.06, 50.13, 50.145, 50.20, 51A.03, subdivisions 2 and 3, 51A.04, subdivisions 1, 2 and 5, 51A.05, subdivisions 3, 4 and 5, 51A.07, 51A.08, 51A.11, subdivision 2, 51A.13, 51A.14, 51A.15, subdivision 1, 51A.17, 51A.18, 51A.19, subdivisions 5, 8 and 9, 51A.20, 51A.21, subdivisions 5 and 16, 51A.32, 51A.33, 51A.37, subdivisions 7 and 8, 51A.38, subdivision 1, 51A.42, 51A.43, 51A.44, subdivision 6, 51A.45, subdivisions 1 and 2, 51A.46, 51A.53, 52.01, 52.02, 52.062 to 52.064, 52.135, 52.141, 52.20, subdivisions 1, 2 and 3, 52.201, 52.203, 52.21, 52.24, 53.03, subdivisions 2 and 2A, 53.04, subdivision 5, 53.09, 54.27, 54.294 and 54.297;

Subd. 8. The authority of the commissioner of banks to authorize emergency bank closings, to approve names, locations, record-keeping, funding structures, and bonding requirements of banking institutions, and to permit the employment of clerical service corporations, pursuant to sections 47.0151 to 47.0155, 47.10, 47.11, 48.02, 48.04, 48.055, 48.09, 48.12, 48.14, 48.21, 48.22, 48.49 and 48.89.

Sec. 6. [GROUP V.] Subdivision 1. On June 30, 1984:

Subd. 2. The authority of the state agricultural society to license and control activities at the state fair grounds, pursuant to section 37.17;

Subd. 3. The authority of the livestock sanitary board to inspect and control activities relating to care and disposal of livestock, pursuant to chapter 35;

Subd. 4. The authority of the commissioner of agriculture to approve or license dairy plants, frozen food processing plants, livestock marketing agencies and dealers, agricultural product bargaining associations, packing plants and slaughterhouses, to enforce the dairy unfair trade practices act, and to permit the sale or application of certain chemicals pursuant to sections 17.691 to 17.701, 17A.01 to 17A.15, 18A.21 to 18A.48, 31.185, 31.495 to 31.58, 32.56 to 32.64, 32.392 and chapter 32A;

Subd. 5. The authority of the commissioner of public safety to regulate alcoholic beverages, to license wholesalers, manufacturers, importers, and brewers, to control advertising of liquor and sales for medicinal purposes, and to approve brand labels, pursuant to sections 340.02, subdivision 5, 340.11, subdivision 2, 340.113, 340.15, 340.18, subdivision 4, 340.402 to 340.404, 340.493 and 340.62;

Subd. 6. The authority of the commissioner of securities to require, determine standards, and grant permits for registration, filing or distribution of securities, a public offering, or a prospectus, to approve the conditions of take over offers, escrows and subdivided land sales, and to approve offers to purchase illegally issued securities to avoid civil litigation, pursuant to sections 80A.10, subdivisions 2 and 3, 80A.11, subdivisions 2, 3 and 4, 80A.12, subdivisions 4, 5, 6, 8 and 9, 80A.13, 80A.15, subdivisions 1, clauses (h) (i) (k) (l) and (o), and 3, 80A.16, 80A.23, subdivision 8, 80B.03, subdivisions 4 and 5, 80B.04, 80B.07, subdivision 3, 80C.05, subdivisions 2 and 3, 80C.06, 80C.12, 83.26, subdivision 3 and 83.29, subdivision 2.

Sec. 7. [GROUP VI.] Subdivision 1. On June 30, 1985:

Subd. 2. The authority of the public employment relations board to determine the scope and applicability of employee classifications and bargaining unit appeals, pursuant to section 179.72, subdivision 3;

Subd. 3. The authority of the director of mediation services to certify collective bargaining groups, and matters for binding arbitration, and to determine the existence of a labor dispute affecting public health or welfare, pursuant to sections 179.07, 179.16, subdivision 2, 179.67, subdivisions 2, 3, 4, 7, 10, 11, 12, 13 and 14, 179.69, subdivisions 3, 5 and 6 and 179.71, subdivision 3;

Subd. 4. The authority of the occupational safety and health review board to review decisions of the commissioner of labor and industry, pursuant to section 182.664, subdivision 2;

Subd. 5. The authority of the commissioner of labor and industry to approve apprenticeship agreements, grant waivers from child labor laws, determine employments particularly hazardous for child employees, determine industry wage rates for state projects and mediate state minimum wage claims, pursuant to sections 177.27, subdivision 4, 177.28, subdivisions 3 and 5, 177.43, subdivision 6, 177.44, subdivisions 4 and 5, 178.08, 178.09, 181A.07, subdivision 5 and 181A.09, subdivision 2;

Subd. 6. The authority of the commissioner of labor and industry to approve and enforce certain occupational safety and health standards, to determine the amount of nonvested invested benefits in private pension funds, and specify actuarial assumptions, pursuant to sections 181B.10, 181B.11, 181B.15, 182.665, subdivisions 1 to 4, 8, 9 and 11 to 14, 182.659, 182.66 and 182.662, subdivisions 1, 5 and 6;

Subd. 7. The authority of the board of health to license hospital administrators, embalmers, water well contractors, plumbers, and water conditioning contractors and installers, pursuant to sections 144.59 to 144.65, 326.37 to 326.45, 326.57 to 326.66 and chapters 149 and 156A;

Subd. 8. The authority of the board of medical examiners to license physicians, osteopaths, midwives, and physical therapists, pursuant to sections 147.03 to 147.23, 148.30 to 148.32 and 148.65 to 148.78;

Subd. 9. The authority of the board of nursing home administrators to license nursing home administrators pursuant to sections 144A.18 to 144A.28;

Subd. 10. The licensing authority of the board of chiropractic examiners, pursuant to sections 148.01 to 148.101;

Subd. 11. The authority of the board of nursing to license registered nurses and licensed practical nurses, and approved schools of nursing, pursuant to sections 148.171 to 148.285 and 148.29 to 148.297;

Subd. 12. The licensing authority of the board of optometrists, pursuant to sections 148.52 to 148.62;

Subd. 13. The authority of the board of dentistry to license dentists and dentist auxiliaries, pursuant to chapter 150A;

Subd. 14. The authority of the board of pharmacy to license pharmacists and assistants, pursuant to sections 151.01 to 151.32;

Subd. 15. The licensing authority of the board of podiatry, pursuant to chapter 153;

Subd. 16. The licensing authority of the board of veterinary medicine, pursuant to chapter 156;

Subd. 17. The authority of the pollution control agency to license wastewater treatment facility operators, pursuant to sections 115.71 to 115.82;

Subd. 18. The licensing authority of the board of psychology pursuant to sections 148.87 to 148.99.

Sec. 8. [GROUP VII.] Subdivision 1. On June 30, 1986:

Subd. 2. The authority of the commissioner of agriculture to license wholesale produce dealers, wholesale food handlers, and milk and cream buyers and testers, pursuant to sections 27.001 to 27.19, 28A.01 to 28A.16 and 32.071 to 32.078;

Subd. 3. The authority of the director of the public service department to license grain merchants, certain warehousemen, and grain bank operators, pursuant to sections 231.16 to 231.39, 232.02 to 232.04, 232.09 to 232.13 and chapters 223 and 236;

Subd. 4. The authority of the state fire marshal to license manufacturers and handlers of explosives, motion picture exhibitors, and drycleaning operators and facilities, pursuant to sections 299F.73 to 299F.83, 299H.22 to 299H.28 and chapter 299I;

Subd. 5. The authority of the commissioner of public safety to license drivers training schools and instructors, sellers of motor vehicles, and renters of motor bicycles, pursuant to sections 168.27, 168.831 to 168.834 and 171.33 to 171.41;

Subd. 6. The authority of the historical society to license field archaeologists, pursuant to sections 138.32 to 138.33 and 138.36;

Subd. 7. The licensing authority of the board of barber examiners, pursuant to chapter 155;

Subd. 8. The licensing authority of the board of cosmetology, pursuant to chapter 156;

Subd. 9. The authority of the governor to approve rates and terms of employment for barbers and cosmetologists, pursuant to chapter 186;

Subd. 10. The authority of the commissioner of securities to license securities brokers, dealers and agents, real estate brokers and salesmen, and charitable fund-raisers, pursuant to sections 80A.04 to 80A.07, 309.531 to 309.532 and chapter 82;

Subd. 11. The authority of the board of electricity to license electricians, pursuant to sections 326.01, subdivisions 2 to 6b and 326.241 to 326.248;

Subd. 12. The authority of the commissioner of labor and industry to license steamfitters and boiler inspectors, operators and engineers, pursuant to sections 183.38 to 183.44, 183.505 to 183.61, 326.01, subdivisions 10 to 13, 326.46 and 326.48 to 326.52;

Subd. 13. The licensing authority of the board of watchmaking, pursuant to sections 326.01, subdivisions 20 and 21 and 326.54 to 326.546;

Subd. 14. The licensing authority of the board of accountancy, pursuant to sections 326.17 to 326.23;

Subd. 15. The licensing authority of the board of architects, engineers, surveyors, and landscape architects, pursuant to sections 326.02 to 326.15;

Subd. 16. The licensing authority of the board of private detective and protective agent services, pursuant to sections 326.32 to 326.339;

Subd. 17. The licensing authority of the peace officer training board, pursuant to sections 626.841 to 626.854;

Subd. 18. The licensing authority of the board of abstractors, pursuant to sections 386.61 to 386.76;

Subd. 19. The licensing authority of the board of assessors, pursuant to sections 270.41 to 270.53;

Subd. 20. The authority of the commissioner of transportation to license aeronautics instructors and airplane dealers, pursuant to sections 360.018, subdivision 5 and 360.63;

Subd. 21. The authority of the commissioner of banks to license debt proraters, pursuant to sections 332.12 to 332.29;

Subd. 22. The authority of the commissioner of administration to license mobile home dealers and manufacturers, pursuant to section 327.55;

Subd. 23. The authority of the director of consumer services to license collection agencies and employees, pursuant to sections 332.31 to 332.45;

Subd. 24. The authority of the board of boxing to license boxers, boxing matches, promoters and managers, pursuant to sections 341.01 to 341.15;

Subd. 25. The authority of the commissioner of insurance to license insurance agents, pursuant to sections 60A.17 to 60A.20, 62B.09, 62C.17 and chapter 728;

Subd. 26. The authority of the director of the public service department to approve warehouse rates, and to control activities of warehousemen, and hay and straw weighers and inspectors, pursuant to sections 231.02 to 231.07, 231.10, 231.11 to 231.15 and chapter 229;

Subd. 27. The authority of the commissioner of public safety to issue permits for oversized motor vehicles, pursuant to section 169.86;

Subd. 28. The authority of the public service commission to approve rates, accounting systems, and to issue franchises to warehousemen, pursuant to section 216A.05, subdivision 2;

Subd. 29. The authority of the public service commission to approve rates, schedules and accounting systems, to issue franchises and permits, and to approve service modification and facilities for

rail carriers, motor carriers, and local cartage carriers, pursuant to sections 218.021, subdivision 1, 218.025, 218.031, subdivision 1, 218.041, subdivisions 1 and 2, 221.021, 221.041, 221.051, 221.061, 221.071, 221.081, 221.111, 221.121, 221.131 to 221.151, 221.161, 221.181 and 221.296;

Subd. 30. The authority of the public service commission to grant certificates of convenience for pipelines, and authorize petroleum service to additional original points, pursuant to sections 221.101, 221.54 and 221.55;

Subd. 31. The authority of the commissioner of transportation to license commercial aircraft operations and airports, to approve airport sites and landing on private properties, and to grant permits for tall structures near airports, pursuant to sections 84.46, 84.47, 360.018 and 360.81 to 360.91;

Subd. 32. The authority of the commissioner of transportation to control construction, access and rights of way near trunk highways, and to grant variances for mineral lands, pursuant to sections 160.08, subdivision 3, 160.10, subdivision 5, 160.18, subdivision 3, 160.20, subdivision 1, 160.22, subdivision 9, 160.24, 160.25, 160.26, 160.27, 160.283 to 160.285, 161.242, 161.433, 161.434, 161.45 and chapter 173;

Subd. 33. The authority of the commissioner of transportation to control construction and operations, grant variances, approve services and facilities of rail common carriers, pursuant to sections 165.05, 218.041, subdivisions 3 and 6, 219.03, 219.04, 219.14, 219.19, 219.20, 219.23 to 219.28, 219.39 to 219.43, 219.46, subdivisions 1, 4 and 7, 219.47, 219.54 to 219.55, 219.562, subdivision 3, 219.681, 219.70, 219.71, 219.741, 219.742, 219.751, 219.85, 219.86, 219.87, 219.92, 221.031, 222.40, 222.41, 222.44 and 222.45;

Subd. 34. The authority of the commissioner of transportation to grant Sunday and holiday exceptions for motor carriers, and to permit acquisition of air rights over rail and utility property, pursuant to sections 221.191, 221.201 and 222.01.

Sec. 9. [15.0626] [DIRECTIONS TO REVISOR.] In the next and all subsequent editions of Minnesota Statutes, the revisor of statutes shall insert in respect to each statutory section identified in article II and subsequent related legislation, a cross-reference to the termination schedule in article II, to insure notice of the expiration dates of regulatory programs. The cross-reference shall be to a table in Minnesota Statutes which lists in a convenient manner the respective expiration dates of all of the statutory sections scheduled for expiration in article II or which are added by subsequent legislation. If a section is continued in force in its current or amended form pursuant to article I, the revisor shall revise the expiration date to read the June 30 of the seventh year after the previously identified expiration date.

Sec. 10. [EFFECTIVE DATE.] This act is effective the day following final enactment and shall expire June 30, 1981. No programs scheduled for expiration on June 30, 1981, shall in fact expire on that date unless provided by other law."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 793: A bill for an act relating to public waters; establishing a lake restoration and protection program; making grants-in-aid available for improving water quality in public lakes; prescribing certain powers and duties for the pollution control agency; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 105.484, is amended to read:

105.484 [LAKE IMPROVEMENTS; GRANTS-IN-AID; PRIORITIES.] ~~The commissioner of natural resources~~ *pollution control agency* with the assistance of the ~~pollution control agency department of natural resources~~ and the state planning agency shall make an assessment of the need for particular kinds of lake improvements including improvements related to pollution problems, ~~high or low water levels,~~ and any other resource management considerations and to develop by ~~January 1, 1976~~ *July 1, 1978*, criteria for allocating state aid funds among proposed projects. Where these relate to control of or studies of sources and effects of wastes per se, any grant funds for such work shall be under the pollution control agency directly or subject to the pollution control agency priority system. Provisions shall be included to insure that any federal program of aid to local lake improvement projects serves to reduce the local share of project costs rather than reducing only the state's share.

Sec. 2. Minnesota Statutes 1976, Section 378.41, Subdivision 1, is amended to read:

378.41 [ESTABLISHMENT OF LAKE IMPROVEMENT DISTRICTS.] Subdivision 1. In furtherance of the policy declared in section 378.31, the ~~commissioner of natural resources~~ *pollution control agency* shall coordinate and supervise a local-state program for the establishment of lake improvement districts by counties and cities for lakes located within their boundaries based on state guidelines and regulations and compatible with all state, regional, and local plans where such plans exist.

In administration of this program the ~~commissioner of natural resources~~ *pollution control agency* shall consult with and obtain advice from other state agencies on those aspects of the program for which the agencies have specific legislative authority including but not limited to the department of health and the ~~pollution control agency department of natural resources~~.

Sec. 3. Minnesota Statutes 1976, Section 378.41, Subdivision 2, is amended to read:

Subd. 2. The ~~commissioner of natural resources~~ *Minnesota pollution control agency*, on or before July 1, 1974 1978, shall promulgate in the manner provided by pursuant to chapter 15, rules and regulations which provide guidelines, criteria and standards for establishment of lake improvement districts by counties and cities.

Sec. 4. Minnesota Statutes 1976, Section 378.45, is amended to read:

378.45 [CREATION BY THE POLLUTION CONTROL AGENCY.] Subdivision 1. Where the county board of one or more of the counties affected has disapproved a petition for creation of a lake improvement district for the area, a petition for creation of a lake improvement district containing information of the kind required by section 378.43 may be submitted to the ~~commissioner of natural resources~~ *pollution control agency*.

Subd. 2. Upon receipt of the petition by the ~~commissioner~~ *agency* and verification of the signatures thereon by the county, the ~~commissioner~~ *agency* may, within 30 days following verification, hold a public hearing at the expense of the county board on the question of whether or not the requested lake improvement district shall be established. The ~~commissioner~~ *agency*, in determining whether or not to hold a public hearing, shall examine all facts relating to the petition, including the reasons why the petition was disapproved by the county.

Subd. 3. Within 30 days following the receipt of verification by the county if no hearing is to be held or within 30 days following the holding of a public hearing the ~~commissioner~~ *agency* by order shall approve or disapprove the establishment of the requested lake improvement district. If the ~~commissioner~~ *agency* determines that the establishment of the lake improvement district as requested in the petition would be for the public welfare and public interest, and that the purposes of section 378.41 would be served by the establishment of a lake improvement district, the ~~commissioner~~ *agency* shall by order approve the creation of the lake improvement district; otherwise, ~~he~~ *it* shall by order disapprove the creation. An order approving creation may contain modifications of the area's boundaries, functions, financing, or organization from what was set forth in the petition.

Sec. 5. Minnesota Statutes 1976, Section 378.46, is amended to read:

378.46 [PUBLICATION AND EFFECTIVE DATE.] Upon passage of a county board resolution or ~~commissioner's~~ *the agency's* order authorizing the creation of a lake improvement district, the county board or boards shall cause the resolution or order to be published once in the official newspapers. The lake improvement district shall be deemed established 30 days after publication or at such later date as may be specified in the resolution or order.

Sec. 6. Minnesota Statutes 1976, Section 378.53, is amended to read:

378.53 [VOTING.] Where a lake improvement district has been established by order of the ~~commissioner of natural resources~~ *pollution control agency* under section 378.45, voting by county boards on joint actions of the lake improvement district shall be based on proportional representation for each county according to the proportion of the population of the lake improvement district residing within each county, and not on the basis of one vote per county or one vote per county board member unless each county or each board member represents substantially the same number of persons residing within the lake improvement district.

Sec. 7. Minnesota Statutes 1976, Section 378.54, is amended to read:

378.54 [ENFORCEMENT OF ORDINANCES.] Where a lake improvement district has been established by order of the ~~commissioner of natural resources~~ *pollution control agency* under section 378.45, ordinances and regulations adopted by joint action of the affected county boards may be enforced in any part of the lake improvement district by personnel of any of the affected counties.

Sec. 8. Minnesota Statutes 1976, Section 459.20, is amended to read:

459.20 [AUTHORITY OVER PUBLIC WATERS.] The governing body of any *home rule charter or statutory city or town* in the state has the following powers: (a) In , with respect to any body of water situated wholly within the ~~municipal~~ *its* boundaries, all the powers to improve and regulate the use of such body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts under sections 378.41 to 378.56 ; and (b) In . With respect to any body of water situated ~~partly~~ *wholly* within the ~~municipal contiguous~~ boundaries ; the powers conferred on county boards by section 378.31, but only to the extent such powers are necessary for the purpose of preventing or controlling floods within the boundaries of the municipality and only in conjunction with projects undertaken pursuant to or in anticipation of an agreement with the government of the United States or any agency thereof of a group of home rule charter or statutory cities or towns or any combination thereof, the city councils and town boards may, under the provisions of section 471.59, jointly exercise such powers to improve and regulate the use of the body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts as provided under sections 378.41 to 378.56, provided that, no home rule charter or statutory city or town may establish and administer a lake improvement district or exercise any of the powers granted in this section if a lake improvement district covering the same territory has been created by a county board under sections 378.41 to 378.56 . References in sections 378.31 to 378.35 and 378.41 to 378.56 to the county board shall mean also be construed to refer to the appropriate governing body of a home rule charter or statutory city or the board of supervisors of a town .

Sec. 9. [116.51] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 9 to 16, the terms defined in this section have the meanings given them.*

Subd. 2. "Agency" means the Minnesota pollution control agency.

Subd. 3. "Applicant" means a municipality as defined in Minnesota Statutes, Section 116.16, Subdivision 2, Clause (2) or any other governmental subdivision of the state that is responsible by law for the supervision, management or control of a public lake, including but not limited to a watershed district, lake conservation district, soil and water conservation district, lake improvement district, or park district. If the rules of the agency provide, "applicant" may include a lake improvement association, sportsmen's club or association or other voluntary association meeting the eligibility requirements established by rule of the agency.

Subd. 4. "Department" means the Minnesota department of natural resources.

Subd. 5. "Discharge" means the addition of any pollutant to the waters of this state.

Subd. 6. "Point source" has the meaning given it in Minnesota Statutes, Section 115.01, Subdivision 15.

Subd. 7. "Non-point source" means any discharge other than from a point source and includes but is not limited to any diffuse discharge which is man-induced through agriculture, mining, urban and rural construction, urban storm runoff, nonurban based recreational activity, or silviculture.

Subd. 8. "Pollutant" means any sewage, industrial waste, or other waste, as those terms are defined in Minnesota Statutes, Chapter 115.

Subd. 9. "Trophic state" means the condition of a body of water described with regard to nutrient levels.

Subd. 10. "Nutrient" has the meaning given it in Minnesota Statutes, Section 116.22, Subdivision 3.

Subd. 11. "Public lake" means a public lake or reservoir which has shoreline within the boundaries of the state and which is further defined, for purposes of this act, by rule of the agency.

Sec. 10. [116.52] [LAKE RESTORATION AND PROTECTION PROGRAM; GENERALLY.] *The agency shall establish a lake restoration and protection program whose primary goal shall be to restore or protect the water quality of public lakes. Compilation of scientific data on lakes of this state and the encouragement of innovative techniques of lake restoration and protection shall also be goals of the program. Projects may be undertaken with the United States environmental protection agency, the agency, the department, and other governmental agencies or public and private organizations. Projects shall be divided into feasibility and implementation phases.*

Sec. 11. [116.53] [AGENCY; POWERS AND DUTIES.] *Subdivision 1. The agency shall promulgate rules as necessary to implement sections 9 to 16, including rules on administration of financial aid to local and regional units of government. The rules shall prescribe data to be secured, methods of analysis and evaluation, duration of data gathering and other technical specifications necessary for the efficient administration of the program and efficient interdepartmental cooperation and organization.*

Subd. 2. The agency shall administer a program of financial assistance to approved applicants, using funds appropriated by the legislature or made available from other sources.

Subd. 3. The agency shall establish and maintain a repository for scientific data on the water quality of lakes and information on accepted and experimental lake restoration and protection techniques.

Subd. 4. The agency shall recommend research programs and projects on lake degradation, restoration or protection.

Sec. 12. [116.54] [LETTER OF INTENT.] *Subdivision 1. Prior to making an application for a feasibility study grant, an applicant shall submit to the agency a letter of intent which shall include the following information:*

- (a) A statement of the nature of the lake's problem;*
- (b) The amount and type of public access together with present and anticipated public use;*
- (c) The preliminary design of a feasibility study complying with agency rules;*
- (d) The existing or anticipated source of local funding; and*
- (e) Any other information which the agency by rule may require.*

The agency with the assistance of the department shall review the letter of intent and determine its adequacy with respect to the application for a feasibility study grant.

The agency shall within a period specified by rule of the agency, determine whether the applicant can proceed to application for a feasibility study grant.

Sec. 13. [116.55] [FEASIBILITY STUDIES.] *Subdivision 1. Feasibility studies undertaken by applicants pursuant to sections 9 to 16, and the rules of the agency, shall include the gathering of data on the lake, drainage basin, sources of pollution or nutrients or any other information which is necessary to determine the trophic state, the cause of degradation and recommended remedial courses of action to prevent continued degradation or to determine potential causes of degradation and preventive courses of action. The agency by rule shall prescribe the information to be secured, methods of analysis and evaluation, and duration of data gathering.*

Subd. 2. Feasibility studies shall be eligible for financial assis-

tance, subject to the rules of the agency establishing guidelines for funding of feasibility studies.

Subd. 3. The feasibility study upon completion shall be submitted to the agency which shall analyze it on an interdisciplinary basis.

Subd. 4. The agency with the assistance of the department shall conduct a technical review of the feasibility study and in the course of review shall consider, without limitation because of enumeration, the following factors if appropriate:

(a) Whether the citizens of the state will significantly benefit from the improvements suggested or information obtained, and the degree of benefit;

(b) Whether sufficient long and short term benefits will be derived from the project, in relation to the estimated cost;

(c) Whether the project is financially viable, given the resources of the applicant and the possibility of financial and nonmonetary aid;

(d) Whether adequate steps have been or will be taken to ensure that the improved conditions resulting from the project will be sustained by sufficient controls over existing or potential sources of lake degradation including, if appropriate, control of sediments as suggested by affected soil and water conservation districts;

(e) Whether significant change will be anticipated in the current fish and wildlife management of a public lake and if the action proposed will be compatible with the department's management criteria; and

(f) Whether experimental techniques involving a high risk of failure are being proposed.

Subd. 5. The agency shall also consider the following in their final review process:

(a) Comments made by the reviewing soil and water conservation district and appropriate regional planning commission; and

(b) Any other subject which the agency by rule deems necessary for making the order required by subdivision 6.

Subd. 6. Within a period specified by rule of the agency, the agency shall by order approve, approve with modifications or disapprove the feasibility study. The agency shall concurrently rule on the applicant's request for financial aid.

Sec. 14. [116.56] [IMPLEMENTATION GRANTS; FEDERAL PROGRAMS.] Subdivision 1. Funds appropriated to the lake restoration and protection program may be granted under this section to be used in conjunction with federal grant moneys made available to qualified recipients.

Subd. 2. The agency shall make grant moneys available under this section in an amount not exceeding 25 percent of the total

project cost. Funding distribution shall follow the priority assigned by the agency to a given project in accordance with the rules of the agency.

Subd. 3. Any grant made by the agency pursuant to this section shall not exceed 25 percent of state grant funds available for distribution under this section in any one year.

Sec. 15. [116.57] [IMPLEMENTATION GRANTS; STATE PROGRAM.] *Subdivision 1. The feasibility study for a project shall be the basis for determining the awarding of an implementation grant to that project. No implementation project may be formally approved by the agency for initiation by the applicant until the agency has approved the project or whatever modifications it believes appropriate.*

Subd. 2. The implementation phase shall include but not be limited to the following:

(a) Preconstruction engineering work involved in the planning, design, and specification for the project;

(b) Actual costs of implementing nonstructural measures or the construction of permanent treatment structures to restore or protect the lake; and

(c) Actual costs incurred as part of the post-operation of treatment measures and evaluation of the lake's water quality condition.

Subd. 3. Implementation measures may include but need not be limited to the following:

(a) Aeration;

(b) Nutrient control or diversion;

(c) Nutrient inactivation;

(d) Dilution or displacement; and

(e) Temporary drawdown.

Subd. 4. The agency shall by rule provide guidelines related to the adequacy of lake restoration and protection procedures, processes, and methods.

Subd. 5. No aids shall be granted under this section to an applicant whose share of the cost will be less than ten percent, except that up to 100 percent funding may be allowed on projects deemed by the agency to be high risk and experimental in nature where eventual results are highly uncertain. No grant shall exceed ten percent of the state funds available under this section in any one year.

Subd. 6. The agency shall approve, approve with modifications or disapprove each application for financial assistance within the period specified by the rules of the agency, following the receipt of the implementation plans and specifications. It shall determine whether the data and engineering presented shows

that, if applicable to the situation under review, degradation from non-point source pollution and any other sources responsible for lake degradation, are or will be substantially eliminated as a source, in order that any lake restored or protected under sections 9 to 16, may be maintained in its restored or protected state. If the agency determines that the application meets its requirements, it shall approve the application, certify to the applicant the amount of funds, if any, awarded to it, and set forth modifications, if any, that may be necessary. If the agency does not find in the affirmative and deems the application deficient, it shall deny the application in writing, clearly setting forth its reasons for doing so.

Subd. 7. Financial aid applications approved but unfunded because of a lack of funds shall remain eligible for future funding, subject to any updating which the agency by rule may require. A lack of funding under sections 9 to 16 shall not preclude applicants from proceeding with the implementation of all or part of an approved plan with funding from any other source.

Sec. 16. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the Minnesota pollution control agency the amounts specified in this section for the fiscal years ending June 30 of the years indicated.

Subd. 2. For lake restoration and protection grants, there is appropriated:

\$1,117,500 1978,

\$1,117,500 1979.

Subd. 3. For providing an updated inventory of public lakes, there is appropriated:

\$75,000 1978.

Subd. 4. For monitoring public lakes, there is appropriated:

\$20,000 1978,

\$20,000 1979.

Subd. 5. For expenses of administering the lake restoration and protection program, there is appropriated:

\$75,000 1978,

\$75,000 1979.

Subd. 6. Any unexpended balance remaining after the first year shall not cancel but shall be available for the second year of the biennium."

Amend the title as follows:

Line 2, after the semicolon insert "transferring certain authority concerning lake improvement districts to the pollution control agency; clarifying local government authority over public waters;"

Line 7, after "money" insert "; amending Minnesota Statutes

1976, Sections 105.484; 378.41, Subdivisions 1 and 2; 378.45; 378.-46; 378.53; 378.54; and 459.20”

And when so amended the bill do pass and be re-referred to the Committee on Finance. 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. 176: A bill for an act allowing money in the state treasury not currently needed to be invested in the local government pooled investment fund; establishing and setting forth procedures for a state investment pool for local government funds; amending Minnesota Statutes 1976, Section 11.10, Subdivision 1; and Chapter 11, by adding sections.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations shown in the Journal for April 6, 1977, that “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. 324: A bill for an act relating to drivers licenses; increasing the fee for driver’s licenses, and establishing a fee for non-qualification certificates; providing for uniform application fees; amending Minnesota Statutes 1976, Section 171.06, Subdivisions 1, 2, and 4.

Reports the same back with the recommendation that the report from the Committee on General Legislation and Veterans Affairs shown in the Journal for April 7, 1977, that “when so amended the bill do pass” be adopted and the bill re-referred to the Committee on Transportation. 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. 830: A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

Reports the same back with the recommendation that the report from the Committee on Local Government shown in the Journal for April 11, 1977, that the bill “do pass” be adopted and the bill re-referred to the Committee on Taxes and Tax Laws. 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. 442: A bill for an act relating to county planning and zoning; providing for enforcement of certain subdivision regulations by providing for approval of conveyancing instruments by a county planning and zoning officer prior to recording; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Local Government shown in the Journal for April 6, 1977, that "when so amended the bill do pass" be adopted and the bill re-referred to the Committee on Judiciary. 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. 743: A bill for an act relating to health; establishing a health program for pre-school children; providing for reimbursement to school districts; appropriating money.

Reports the same back with the recommendation that the report from the Committee on Health, Welfare and Corrections shown in the Journal for April 4, 1977, be amended to read "And when so amended the bill do pass and be re-referred to the Committee on Education." Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred for proper reference under Rule 35:

S. F. No. 1203 reports the same back with the recommendation that the bill be re-referred as follows:

S. F. No. 1203 to the Committee on General Legislation and Veterans Affairs.

Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred

H. F. Nos. 76 and 308 for comparison to 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.
76	443				
308	177				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 76 be amended as follows:

Page 1, line 15, delete "*If the*" and insert "*Upon written notice of a*" and also delete "*is*"

Page 1, line 17, delete everything after "*proceed*"

Page 1, delete the new language in line 18 and insert "to cut and remove the same."

Page 1, line 19, strike "thereof" and delete the two commas

Page 2, delete lines 4 to 17 and insert:

"Sec. 2. Minnesota Statutes 1976, Section 160.22, is amended by adding a subdivision to read:

Subd. 10. [EXCEPTION; TOWN ROADS.] Trees, hedges and other shrubs or plants within the limits of any town road and not acquired by the town as provided in subdivision 3, may be cut and removed without regard to the provisions of subdivisions 5 and 6 when they interfere with the maintenance or reconstruction of the road or with the safety and convenience of the public; provided that the town gives written notice to the abutting owner of its intention to cut and remove 14 days before taking such action and the abutting owner does not request a hearing during that period. The notice shall plainly advise the abutting owner of his right to a hearing. If the abutting owner requests a hearing within the time required the town shall proceed in accordance with subdivisions 5 and 6, and this subdivision shall not apply. The timber and wood cut pursuant to this subdivision shall be disposed of in accordance with subdivision 8."

Page 2, delete lines 20 and 21

Further, delete the title and insert

"A bill for an act relating to highways; providing a simplified procedure for the removal of trees, shrubs and other obstructions within the limits of town roads; removing provision for an appeal by abutting owners; amending Minnesota Statutes 1976, Section 160.22, Subdivision 8, and by adding a subdivision; repealing Minnesota Statutes 1976, Section 160.22, Subdivision 7."

And when so amended, H. F. No. 76 will be identical to S. F. No. 443 and further recommends that H. F. No. 76 be given its second reading and substituted for S. F. No. 443 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 308 be amended as follows:

Page 8, line 26, after "Statutes" insert "1976"

And when so amended, H. F. No. 308 will be identical to S. F. No. 177 and further recommends that H. F. No. 308 be given its second reading and substituted for S. F. No. 177 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 Committee on Rules and Administration, to which was referred

H. F. No. 148 for comparison to its companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
				148	376

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 148 be amended as follows:

Amend the title, page 1, line 2, after the semicolon insert "providing for the"

Page 1, lines 4 and 5, delete "establishing minimum qualifications;"

And when so amended, H. F. No. 148 will be identical to S. F. No. 376 and further recommends that H. F. No. 148 be given its second reading and substituted for S. F. No. 376 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. 766, 19, 582, 131, 96, 411, 682, 600, 543, 972 and 558 makes the following report:

That S. F. Nos. 766, 19, 582, 131, 96, 411, 682, 600, 543, 972 and 558 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested.

Report adopted.

APPOINTMENTS

Mr. Coleman, from the Subcommittee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 226, pursuant to the request of the Senate:

Messrs. Milton, Keefe, S. and Ogdahl.

H. F. No. 301, pursuant to the request of the House:

Messrs. Laufenburger, Frederick and Peterson.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1027: A bill for an act relating to the organization and operation of state government; education; changing the membership of the higher education coordinating board; prescribing additional duties for the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.02, Subdivisions 1, 1a, and 2; 136A.04; 136A.05; and 136A.07.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

“Section 1. Minnesota Statutes 1976, Section 136A.01, is amended to read:

136A.01 [CREATION.] A coordinating board for higher education in the state of Minnesota, to be known as the Minnesota ~~higher education coordinating board~~ *of governors for post-secondary and higher education*, is hereby created.”

Page 1, line 14, strike “higher education coordinating” and after “board” insert “*of governors for post-secondary and higher education*”

Page 1, lines 15 and 16, reinstate the stricken language and strike the new language

Page 1, line 17, reinstate “, and” and after the stricken “three” insert “*four*”

Page 1, lines 18 to 20, reinstate the stricken language

Page 1, lines 20 to 24, strike the new language

Page 2, lines 1 and 2, strike the new language

Page 2, line 4, after “secondary” insert “*and higher*”

Page 2, line 4, strike “and at least one”

Page 2, lines 4 and 5, strike the new language

Page 2, line 5, strike “shall be selected specifically for”

Page 2, line 6, strike everything before the period

Page 2, line 24, strike “*in the*”

Page 2, line 25, strike “*following manner*”

Page 2, line 26, strike “*three members*” and insert “*two members representing congressional districts and one at-large member;*”

Page 2, strike line 27

Page 2, line 28, strike “*three members*” and insert “*two members representing congressional districts and one at-large member;*”

Page 2, strike lines 29 and 30

Page 2, line 31, strike “*three members*” and insert “*two members representing congressional districts and one at-large member; and*”

Page 2, strike line 32

Page 3, strike line 1

Page 3, line 2, strike "*three members*" and insert "*two members representing congressional districts and one at-large member.*"

Page 3, strike lines 3 and 4

Page 3, after line 4, insert:

"Sec. 5. Minnesota Statutes 1976, Section 136A.03, is amended to read:

136A.03 [EXECUTIVE OFFICERS; EMPLOYERS.] ~~The higher education coordinating board~~ *may governor shall appoint an executive secretary or director a chancellor as its the principal executive officer of the board ; and . The board may appoint such other officers and employees as it may deem necessary to carry out its duties. The executive secretary or director chancellor shall possess such powers and perform such duties as are delegated to him and shall serve in the unclassified service of the state civil service. He shall be a person qualified by training and ability in the field of post-secondary or higher education or in educational administration. The board may also appoint other officers and professional employees who shall serve in the unclassified service of the state civil service and fix the salaries thereof which shall be commensurate with salaries in the classified service, and shall also fix the salary of its principal executive officer. All other employees shall be in the classified civil service.*

An officer or professional employee in the unclassified service as provided in this section is a person who has studied *post-secondary or higher education* or a related field at the graduate level or has similar experience and who is qualified for a career in some aspect of *post-secondary or higher education* and for activities in keeping with the planning and administrative responsibilities of the board and who is appointed to assume responsibility for administration of educational programs or research in matters of *post-secondary or higher education.*"

Page 3, line 7, strike "higher education coordinating"

Page 3, line 8, after "board" insert "*of governors for post-secondary and higher education*"

Page 3, line 10, after "of" insert "*post-secondary and*"

Page 3, line 13, after "in" insert "*short and*"

Page 3, line 14, after "of" insert "*post-secondary and*"

Page 4, line 4, after "*post-secondary*" insert "*or higher*"

Page 4, line 15, after "public" insert "*post-secondary*"

Page 4, line 20, after "public" insert "*post-secondary*"

Page 4, line 22, strike "higher educational" and insert "*post-secondary vocational-technical*"

Page 4, line 25, after "post-secondary" insert "*and higher education*"

Page 4, line 32, after "and" insert "*post-secondary or*"

Page 5, line 1, after "needs" insert "*, provided that the board shall base its actions with respect to budget requests pursuant to this clause on current levels of wages and economic fringe benefits rather than on any estimates of future levels of wages and economic fringe benefits*"

Page 5, line 4, strike "and"

Page 5, line 5, after "colleges" insert "*, and the post-secondary vocational-technical schools, provided that nothing in this clause shall be construed to prevent any system or institution from presenting to a legislative committee any aspect of its budget request*"

Page 5, line 5, strike "and"

Page 5, line 8, strike the period and insert "*; and*"

Page 5, after line 8, insert:

"(1) All review of budget requests by the board shall be conducted in cooperation with the department of finance."

Page 5, line 11, after "OF" and before "HIGHER" insert "POST-SECONDARY OR"

Page 5, line 12, after "of" insert "*post-secondary or*"

Page 5, line 14, after "of" insert "*post-secondary or*"

Page 5, line 16, strike "higher education coordinating"

Page 5, line 16, after "board" insert "*of governors for post-secondary and higher education*"

Page 5, line 20, strike "higher education"

Page 5, line 21, strike "coordinating"

Page 5, line 21, after "board" insert "*of governors for post-secondary and higher education*"

Page 5, line 24, after "of" insert "*post-secondary or*"

Page 6, line 1, strike "*higher education coordinating*"

Page 6, line 1, after "board" insert "*of governors for post-secondary and higher education*"

Page 6, line 2, after "study" insert "*post-secondary and*"

Page 6, line 13, after "*post-secondary*" insert "*or higher*"

Page 6, line 25, strike "*higher education*"

Page 6, line 26, strike "*coordinating*"

Page 6, line 26, after "board" insert "*of governors for post-secondary and higher education*"

Page 6, line 27, after "*the*" and before "board" insert "*higher education coordinating*"

Page 6, after line 28, insert:

“Sec. 10. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall change the name of the “higher education coordinating board” where it appears in Minnesota Statutes to the “board of governors for post-secondary and higher education”, and change the name of and references to that board’s “executive secretary” or “director” to “chancellor.”

Page 6, line 29, strike “\$90,000” and insert “\$125,000”

Page 6, line 30, strike “higher education coordinating”

Page 6, line 30, after “board” insert “of governors for post-secondary and higher education”

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 3, after “the” insert “name and”

Page 1, line 7, after “Sections” insert “136A.01;”

Page 1, line 8, after “2;” insert “136A.03;”

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1201: A bill for an act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivision 1a; 105.415; 105.44, Subdivisions 1, 2, 3, 6, 9 and 10; 105.462; 105.482, Subdivisions 3 and 5; and Chapter 105, by adding a section; repealing Minnesota Statutes 1976, Section 105.41, Subdivision 1b.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Chapter 105, is amended by adding a section to read:

[105.401] [WATER PLANNING BOARD.] *Subdivision 1. [MEMBERSHIP, OFFICERS, STAFF.] There is created in the executive branch of the state government a water planning board. The members of the board are: (1) the commissioner of natural resources; (2) the commissioner of health; (3) the director of the pollution control agency; (4) the commissioner of agriculture; (5) the director of the energy agency; and (6) the chairman of the state soil and water conservation board, or their designees.*

The governor shall designate the chairperson of the board, who shall not be a representative of the state agencies listed, but shall be the seventh member of the board and also shall represent the governor on the federal-state river basin commissions.

Subd. 2. [DUTIES.] The board shall perform the following duties:

(1) Direct the preparation of the framework water and related land resources plan proposed to the legislative commission on Minnesota resources in October, 1976;

(2) Assure the participation of the public and of all units of government in the preparation and implementation of all state water resource planning activities;

(3) Direct all state involvement in activities undertaken pursuant to the federal Water Resource Planning Act (PL89-80), including but not limited to administration of Title III funding, and

(4) Evaluate state participation in the federal-state river basin commissions and make recommendations to the governor and the legislature concerning continued state involvement.

The chairperson of the board may seek the assistance of any public agency and may appoint subcommittees he deems necessary to properly discharge the duties of the board. The board shall meet quarterly, and at the request of three of its members or at the discretion of the chairperson. The final report of the board shall be delivered to the governor and the legislature before July 1, 1979. The board ceases to exist June 30, 1979.

Sec. 2. Minnesota Statutes 1976, Section 105.41, Subdivision 1a, is amended to read:

Subd. 1a. The commissioner shall submit to the legislature by January 1, 1975, for its approval, proposed rules governing the allocation of waters among potential water users. These rules shall be based on the following priorities for appropriation and use of water:

First priority. Domestic water supply, excluding industrial and commercial uses of municipal water supply. Agricultural irrigation, involving consumption in excess of 10,000 gallons per day.

Second priority. Any use of water that involves consumption of less than 10,000 gallons of water per day. For purposes of this section "consumption" shall mean water withdrawn from a supply which is lost for immediate further use in the area.

Third priority. Agricultural irrigation, involving consumption in excess of 10,000 gallons per day.

Fourth priority. Power production, involving consumption in excess of 10,000 gallons per day.

Fourth priority. Industrial and commercial uses, involving consumption in excess of 10,000 gallons per day.

Fifth priority. Other uses, involving consumption in excess of 10,000 gallons per day.

Appropriation and use of surface water from streams during periods of flood flows and high water levels shall be encouraged subject to consideration of the purposes for use, quantities to be used, and the number of persons appropriating water.

Appropriation and use of surface water from lakes of less than 500 acres in surface area shall be discouraged.

Diversions of water from the state for use in other states or regions of the United States or Canada shall be discouraged, subject to the jurisdiction of the United States government.

No permit shall be issued under this section unless it is consistent with state, regional, and local water and related land resources management plans, provided that regional and local plans are consistent with statewide plans. *The commissioner shall not modify or restrict the amount of appropriation from a ground-water source authorized in a permit issued pursuant to section 105.44, subdivision 8, between May 1 and October 1 of any year, unless the commissioner determines the authorized amount of appropriation endangers any domestic water supply.*

Sec. 3. Minnesota Statutes 1976, Section 105.41, Subdivision 1, is amended to read:

105.41 [APPROPRIATION AND USE OF WATERS.] Subdivision 1. It shall be unlawful for the state, any person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use any waters of the state, surface or underground, without the written permit of the commissioner ; ~~previously obtained upon written application therefor to the commissioner~~ . Nothing in this section shall be construed to apply to the use of water for domestic purposes serving less than 25 persons , *provided that when a well is constructed to appropriate groundwater for domestic purposes to serve less than 25 persons by a water well contractor licensed pursuant to chapter 156A, he shall submit the report required by section 156A.07, subdivision 4 with the local soil and water conservation district for the area in which the well is located within 30 days after completion of the well. The commissioner shall establish a statewide training program to provide training in the conduct of pumping tests and data acquisition programs.*

Sec. 4. Minnesota Statutes 1976, Section 105.41, is amended by adding a subdivision to read:

Subd. 6. Any appropriation or use permit may be transferred if the permittee conveys the real property where the source of water is located to the subsequent owner of the real property. The subsequent owner shall notify the commissioner of natural resources immediately after an appropriation or use permit is transferred pursuant to this section.

Sec. 5. Minnesota Statutes 1976, Section 105.415, is amended to read:

105.415 [RULES GOVERNING PERMITS.] Notwithstanding the provision in section 105.41, subdivision 1a, stating that the commissioner of natural resources shall submit to the legislature by January 1, 1975, for its approval proposed rules governing the allocation of waters among potential water users, and notwithstanding the provision in section 105.42, subdivision 1a, stating that the commissioner shall recommend by January 15, 1975, to the legislature a comprehensive law containing standards and criteria governing the issuance and denial of permits under the section, the commissioner shall prior to January 30, 1977 1978 , adopt rules containing standards and criteria for the issuance and denial of the permits required by sections 105.41 and 105.42.

Sec. 6. Minnesota Statutes 1976, Section 105.44, Subdivision 1, is amended to read:

105.44 [PROCEDURE UPON APPLICATION.] Subdivision 1. [PERMIT.] Each application for a permit required by sections 105.37 to 105.55 shall be accompanied by maps, plans, and specifications describing the proposed appropriation and use of waters, or the changes, additions, repairs or abandonment proposed to be made, or the public water affected, and such other data as the commissioner may require. This data may include but not be limited to a statement of the effect the actions proposed in the permit application will have on the environment, such as: (a) changes in water and related land resources which are anticipated; (b) unavoidable but anticipated detrimental effects; (c) alternatives to the actions proposed in the permit. If the proposed activity, for which the permit is requested, is within a city, or town, or is within or affects a watershed district a soil and water conservation district , a copy of the application together with maps, plans and specifications shall be served on the secretary of the board of managers of the district the secretary of the board of supervisors of the soil and water conservation district and on the chief executive officer mayor of the city or town . Proof of such service shall be included with the application and filed with the commissioner.

Sec. 7. Minnesota Statutes 1976, Section 105.44, Subdivision 2, is amended to read:

Subd. 2. [AUTHORITY.] The commissioner is authorized to receive applications for permits and to grant the same, with or without conditions, or refuse the same as hereinafter set forth. Provided, that if the proposed activity for which the permit is requested is within a city or town, or is within or affects a watershed district a soil and water conservation district the commissioner may secure the written recommendation of the managers of said district the board of supervisors of the soil and water conservation district or the chief executive officer mayor of the city or town, before granting or refusing the permit. Said managers The supervisors or chief executive officers mayors shall file their recommendation within a reasonable time 30 days after receipt of a copy of the application for permit.

Sec. 8. Minnesota Statutes 1976, Section 105.44, Subdivision 3, is amended to read:

Subd. 3. [WAIVER OF HEARING.] The commissioner in his discretion may waive hearing on any application and make his order granting or refusing such application. In such case, if any application be *is* granted, with or without conditions, or be *is* refused, the applicant, the ~~managers~~ of the watershed district the board of supervisors of the soil and water conservation district, or the chief executive officer mayor of the city or town may within 30 days after mailed notice thereof file with the commissioner a demand for hearing on the application *together with the bond required by subdivision 6*. The application shall thereupon be fully heard on notice as hereinafter provided, and determined the same as though no previous order had been made. If no demand for hearing be made, *or if a hearing is demanded but no bond is filed as required by subdivision 6*, the order shall become final at the expiration of 30 days after mailed notice thereof to the applicant, ~~managers of the watershed district the board of supervisors of the soil and water conservation district~~, or the chief executive officer mayor of the city or town, and no appeal of the order may be taken to the district court.

Sec. 9. Minnesota Statutes 1976, Section 105.44, Subdivision 4, is amended to read:

Subd. 4. [TIME.] The commissioner shall act upon all applications, *except for appropriations for irrigation, pursuant to section 105.44, subdivision 8*, within 20 30 days after the application and all required data is filed in his office; either waiving hearing and making an order thereon or directing hearing thereon.

Sec. 10. Minnesota Statutes 1976, Section 105.44, Subdivision 5, is amended to read:

Subd. 5. [NOTICE.] The notice of hearing on any application shall recite the date, place and time fixed by the commissioner for the public hearing thereon and shall show the waters affected, the levels sought to be established or any control structures proposed. The notice shall be published by the commissioner at the expense of the applicant or, if the proceeding is initiated by the commissioner in the absence of an applicant, at the expense of the commissioner, once each week for two successive weeks prior to the day of hearing in a legal newspaper published in the county in which a part or all of the affected waters are located. Notice shall also be mailed by the commissioner to the county auditor and the chief executive official mayor of any municipality or watershed soil and water conservation district affected.

Sec. 11. Minnesota Statutes 1976, Section 105.44, Subdivision 6, is amended to read:

Subd. 6. [HEARING.] The hearings shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. The commissioner shall not be bound by judicial rules of evidence

or of pleading and procedure. Except where a public hearing is demanded by a public authority which is not the applicant, the applicant shall pay the following *if the commissioner's action is affirmed without substantial modification* : (1) Costs of the stenographic record and transcript, (2) Rental expenses, if any, of the place of hearing, (3) Costs of publication of orders made by the commissioner.

Where the public hearing is demanded by a public authority which is not the applicant, the public authority making the demand shall pay the costs and expenses listed above *if the commissioner's action is affirmed without substantial modification* . An applicant filing a demand for a public hearing shall execute and file a corporate surety bond or equivalent security to the state of Minnesota, to be approved by the commissioner, and in an amount and form fixed by the commissioner. The bond or security shall be conditioned for the payment of all costs and expenses of the public hearing if the commissioner's action taken pursuant to subdivision 2 is affirmed without *substantial modification*. No bond or security is required of a public authority which demands a public hearing. The commissioner, in his discretion, may waive the requirement for a bond or other security.

Sec. 12. Minnesota Statutes 1976, Section 105.44, Subdivision 8, is amended to read:

Subd. 8. [PERMIT TO IRRIGATE AGRICULTURAL LAND.] When an application for permit to irrigate agricultural land from public waters is made, a general statement in the application of the purpose of the proposed use of public waters and the acreage to be irrigated shall be sufficient compliance with the requirements of subdivision 1 with respect to maps, plans and specifications, unless the commissioner reasonably may require additional specified information within ten days of the filing of the application. In any such case the commissioner shall make his order granting the application unless he finds after hearing that granting thereof would be against the public interest or would deprive another than the applicant of the share of public water which such other has requested and to which he is entitled. Upon receipt the commissioner shall send a copy of the permit application to the local soil and water conservation district in which the proposed appropriation is located. The soil and water conservation district may make recommendations to the commissioner regarding the disposition of the application and its compatibility to a comprehensive soil and water conservation plan approved pursuant to section 40.07, subdivision 9, within 30 days of the receipt of the application. Within 30 days of the date of the application the commissioner may require additional specific information from the applicant. Upon receipt of all additional specific information required of the applicant, the commissioner shall have an additional 60 days to review that information, consider the soil and water conservation recommendations and decide whether to grant or deny the permit; provided that if the commissioner orders a hearing, then the time within which he must grant or deny the application shall be ten days after receipt of the report of the

hearing officer. In the case of an application for permit to irrigate agricultural land, failure of the commissioner to act thereon by granting or denial or other hearing thereon within 30 days after filing of the application, or in case the commissioner has reasonably required additional specified information than that given in the application within 20 days after the filing of such additional information the specified time period, shall be deemed an order granting the application. This order shall be deemed granted ten days after the applicant has given written notice to the commissioner stating his intention to proceed with the appropriation.

Sec. 13. Minnesota Statutes 1976, Section 105.44, Subdivision 10, is amended to read:

Subd. 10. [PERMIT FEES.] Each application for a permit authorized by sections 105.37 to 105.64, shall be accompanied by a permit application fee in the amount of \$15 to defray the costs of receiving, recording, and processing the application. *The commissioner may charge an additional permit application fee in excess of the fee specified above, in accordance with a schedule of fees adopted by rules promulgated in the manner provided by chapter 15, which fee schedule shall be based upon the project's costs and the complexity of the permit applied for.*

For projects requiring a mandatory environmental assessment pursuant to chapter 116D the commissioner may charge an additional field inspection fee of not less than \$25 for each permit applied for under sections 105.37 to 105.64. The commissioner shall establish pursuant to rules and regulations adopted in the manner provided by chapter 15, a schedule for field inspection fees which shall include actual costs related to field inspection such as investigations of the area affected by the proposed activity, analysis of the proposed activity, consultant services, and subsequent monitoring, if any, of the activity authorized by the permit.

Except as provided below, the commissioner may not issue a permit until all fees required by this section relating to the issuance of a permit have been paid. The time limits prescribed by subdivision 4, do not apply to an application for which the appropriate fee has not been paid. Field inspection fees relating to monitoring of an activity authorized by a permit may be charged and collected as necessary at any time after the issuance of the permit. No permit application or field inspection fee may be refunded for any reason, even if the application is denied or withdrawn. No permit application or field inspection fee may be imposed on any state agency, as defined in section 16.011, or federal governmental agency applying for a permit.

Sec. 14. Minnesota Statutes 1976, Section 105.462, is amended to read:

105.462 [INVESTIGATIONS; ORDERS WITHOUT A PERMIT APPLICATION.] When the commissioner determines that the public interest so requires, he may investigate on his own motion any activities being conducted in relation to public waters without a permit as required by sections 105.37 to 105.55. With or without a public hearing the commissioner may make find-

ings and issue orders as otherwise may be issued pursuant to sections 105.37 to 105.55. A copy of his findings and order shall be served upon the person to whom the order is issued. *If the commissioner issues his findings and order without a hearing, the person to whom the order is issued may file with the commissioner a demand for a hearing, together with the bond required by section 105.44, subdivision 6, within 30 days after being served with a copy of the commissioner's order. Thereafter the matter shall be heard in the same manner and pursuant to the same laws as an application is heard following a demand made under section 105.44, subdivision 3, insofar as applicable. However, if no demand for hearing is made by the person to whom the order is issued under this section, or if that person demands a hearing but fails to file the required bond, the commissioner's order becomes final at the expiration of 30 days after the person is served with the order and no appeal of the order may be taken to the district court.*

Sec. 15. Minnesota Statutes 1976, Section 105.482, Subdivision 3, is amended to read:

Subd. 3. [COMMISSIONER'S DUTIES.] From money appropriated for the following purposes from time to time, the commissioner of natural resources may repair or reconstruct state owned dams and may grant aid to local governmental units to repair or reconstruct dams owned by local governmental units *and to make necessary engineering evaluations related to the repair or reconstruction*. No grant to a local governmental unit shall exceed the amount contributed to the project by the local governmental unit from funds raised locally exclusive of federal grants.

Sec. 16. Minnesota Statutes 1976, Section 105.482, Subdivision 5, is amended to read:

Subd. 5. [LIMITATIONS.] If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is less than ~~\$25,000~~ \$50,000, the commissioner may direct that the state owned dam be repaired or reconstructed or that a grant be made to repair or reconstruct a dam owned by a local governmental unit without the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam, or a grant to a local governmental unit is ~~\$25,000~~ \$50,000 or more but less than ~~\$50,000~~ \$100,000, the expenditure shall be made only with the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is ~~\$50,000~~ \$100,000 or more, the commissioner may recommend the project to the legislature for its consideration and action, except in the following emergency situations. With the approval of the executive council, the commissioner may direct that a state owned dam be repaired or reconstructed or a grant be made to a local governmental unit where he determines that an emergency condition exists and that there is danger that life will be lost or that substantial property losses will be suffered if such action is not promptly taken.

Sec. 17. [IRRIGATION FROM GROUNDWATER.] *Subdivision 1. [PERMIT CLASSES ESTABLISHED.] Permit applications required by Minnesota Statutes, Section 105.41, for appropriation of groundwater for purposes of agricultural irrigation shall be processed as either class A or class B applications. Class A applications are for wells located in areas for which the commissioner of natural resources has adequate groundwater availability data. Class B are those for all other areas. The commissioner shall evaluate available groundwater data, determine its adequacy, and designate areas A and B, statewide. The commissioner shall solicit, receive, and evaluate groundwater data from soil and water conservation districts, and where appropriate revise his area A and B designations. The commissioner of natural resources shall file with the secretary of state a commissioner's order defining these areas by county and township. Additional areas may be added by a subsequent order of the commissioner.*

Subd. 2. [PERMIT APPLICATION; ORDER OF PROCESSING.] Class A applications shall be processed in the order received. Class B applications pending on or received prior to March 1, 1977, will be processed in the order of their receipt after additional information deemed necessary by the commissioner has been received.

Subd. 3. [CLASS B PERMITS; INFORMATION REQUIREMENTS.] Class B applications are not complete until the applicant has supplied the following data:

(a) A summary of the anticipated well depth and subsurface geologic formation expected to be penetrated by the well. For glacial drift aquifers, this data shall include the logs of test holes drilled in each 40 acre tract proposed for irrigation;

(b) The formation and aquifer expected to serve as the groundwater source;

(c) The maximum daily, seasonal and annual pumpage expected;

(d) The anticipated groundwater quality in terms of the measures of quality commonly specified for the proposed water use;

(e) The results of a pumping test conducted at a rate not to exceed the proposed pumping rate for a period not to exceed 72 hours for wells under water table conditions and not to exceed 24 hours for wells under artesian conditions. Before, during and after the pumping test the commissioner shall require monitoring of water levels in one observation well located at such distance from the pumping well which he has reason to believe may be affected by the new appropriation. The permit applicant shall be responsible for all costs of the pumping tests and monitoring in the one observation well. He shall be responsible for the construction of this one observation well if suitable existing wells cannot be located for this purpose. If the commissioner believes that more than one observation well is needed he shall instruct the applicant to install and monitor additional observation wells. The commissioner shall reimburse the applicant for these added costs; and

(f) Upon determination of the area of influence of the proposed well, the location of existing wells within the area of influence, together with available facts on depths, geologic formations, pumping and nonpumping water levels and details of well construction as related to the board of health "water well Construction Code."

The commissioner may in any specific application waive any of the requirements of clauses (d) to (f) when the necessary data is already available.

Subd. 4. [ISSUANCE OF NEW PERMITS; CONDITIONS.] The commissioner shall issue permits for irrigation appropriation from groundwater only where he determines that proposed soil and water conservation measures are adequate based on recommendations of the soil and water conservation districts and that water supply is available for the proposed use without reducing water levels beyond the reach of vicinity wells constructed in accordance with the water well construction code, contained in the rules of the Minnesota state board of health, MHD 217 to 222.

Sec. 18. [WATER APPROPRIATIONS FROM SURFACE SOURCES.] *Subdivision 1. [WAIVER.]* The commissioner may waive any limitation or requirement in subdivisions 2 through 5 for just cause.

Subd. 2. [NATURAL AND ALTERED NATURAL WATERCOURSES.] Where data are available permits to appropriate water from natural and altered natural watercourses shall be limited so that consumptive appropriations are not made from the watercourses during periods of specified low flows in order to safeguard water availability for instream uses and for downstream higher priority users located in reasonable proximity to the site of appropriation.

Subd. 3. [WATER BASINS.] (a) Permits to appropriate water for any purpose from waterbasins shall be limited so that the collective annual withdrawals do not exceed a total volume of water amounting to one-half acre-foot per acre of waterbasin based on Minnesota department of conservation bulletin No. 25, "An Inventory of Minnesota Lakes."

(b) As a condition to any surface water appropriation permit, the commissioner of natural resources shall establish an elevation for the subject waterbasin, below which no appropriation shall be allowed. During the determination of the elevation, which for the purposes of this section shall be known as the "protection elevation," the commissioner shall take into account the elevation of important aquatic vegetation characteristics related to fish and wildlife habitat, existing uses of the waterbasin by the public and riparian land owners, the total volume within the waterbasin and the slope of the littoral zone.

(c) As part of any application for appropriation of water for any purpose from a waterbasin of less than 500 acres in surface area, the applicant shall obtain a signed statement from as many landowners with land riparian to the subject waterbasin stating

their support to the proposed appropriation as he is able to obtain and it shall indicate the number whose signature he is unable to obtain.

Subd. 3. [TROUT STREAMS.] Permits issued after the effective date of this act to appropriate water for any purpose from streams designated trout streams by the commissioner's orders pursuant to section 101.42, shall be limited to temporary appropriations.

Subd. 4. [CONTINGENCY PLANNING.] No application for use of surface waters of the state for any purpose is complete until the applicant submits, as part of the application, a contingency plan which describes the alternatives he will utilize if further appropriation is restricted due to the flow of the stream or the level of a water basin. No surface water appropriation for any purpose shall be allowed unless the contingency plan is feasible or the permittee agrees to withstand the results of no appropriation.

Sec. 19. [CONSERVATION OF PUBLIC WATER SUPPLIES.] During periods of critical water deficiency as determined by the commissioner and declared by commissioner's order, public water supply authorities appropriating water shall adopt and enforce restrictions within their areas of jurisdiction to restrict lawn sprinkling, car washing, golf course and park irrigation, and other non-essential uses, together with appropriate penalties for failure to comply with the restrictions. Disregard of critical water deficiency orders, even though total appropriation remains less than that permitted, shall be adequate grounds for immediate modification of any public water supply authority's appropriator's permit.

Sec. 20. [EXPIRATION OF EMERGENCY MEASURES.] Sections 16 to 19 of this act expire when rules governing water appropriation are adopted by the commissioner of natural resources, but not later than February 1, 1978. While in effect, sections 16 to 19 supersede all conflicting laws and rules.

Sec. 21. [APPROPRIATIONS.] Subdivision 1. The sums set forth in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available until June 30, 1979:

Subd. 2. Water planning board \$132,000

To implement section 1.

Subd. 3. Commissioner of natural resources

(a) For administration of sections 2 through 19, development of groundwater data systems, groundwater data acquisition, groundwater management, groundwater investigations, and groundwater reports and publications \$500,000

(b) For implementation of the training program authorized in section 2. \$100,000

The commissioner of natural resources may increase the authorized personnel complement of the department of natural resources by not more than nine positions to accomplish the purposes of sections 2 to 19.

Subd. 4. Minnesota geological survey **\$270,000**
For the purpose of completing a statewide data bank of waterwell logs and compilation of data obtained from current drilling activities.

Subd. 5. State soil and water conservation board **\$184,000**
For the purpose of groundwater data collection and management as authorized in sections 3 and 6 through 11.

The state soil and water conservation board shall allocate the sum of \$2,000 to each soil and water conservation district which has participated in the training specified in section 3.

Subd. 6. Department of health **\$155,000**
For the purpose of administration of chapter 156A.

Sec. 22. This act is effective the day following final enactment. "

Further, strike the title and insert:

"A bill for an act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1, 1a and by adding a subdivision; 105.415; 105.44, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 10; 105.462; 105.482, Subdivisions 3 and 5; and Chapter 105, by adding a section."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 896: A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivision 3, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1; 116C.61, Subdivisions 2 and 3; 116C.64; 116C.69; and Chapter 116C, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 116C.52, Subdivision 3, is amended to read:

Subd. 3. "High voltage transmission line" shall mean a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 200 kilovolts or more, except that the board, by regulation, may exempt lines under one mile in length pursuant to section 116C.57, subdivision 5 .

Sec. 2. Minnesota Statutes 1976, Section 116C.52, Subdivision 7, is amended to read:

Subd. 7. Construction shall be deemed to have started or commenced as a result of significant physical alteration of a site or route but not including activities incident to preliminary engineering or environmental studies mean any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing survey or geological data, including necessary borings to ascertain foundation conditions .

Sec. 3. Minnesota Statutes 1976, Section 116C.52, is amended by adding a subdivision to read:

Subd. 8. "Route" shall mean the location of a high voltage transmission line between two end points. The route may have a variable width of up to two kilometers.

Sec. 4. Minnesota Statutes 1976, Section 116C.52, is amended by adding a subdivision to read:

Subd. 9. "Site" shall mean the location of a large electric power generating plant.

Sec. 5. Minnesota Statutes 1976, Section 116C.52, is amended by adding a subdivision to read:

Subd. 10. "Large electric power facilities" shall mean high voltage transmission lines and large electric power generating plants.

Sec. 6. Minnesota Statutes 1976, Section 116C.53, is amended to read:

116C.53 [SITING AUTHORITY.] Subdivision 1. [POLICY.] The legislature hereby declares it to be the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the board shall choose locations that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.

Subd. 2. [JURISDICTION.] The Minnesota environmental quality board is hereby given the authority to provide for power plant site and transmission line corridor and route selection.

Subd. 3. The board, in discharge of its duties pursuant to sections 116C.51 to 116C.69 may make joint investigations, hold

joint hearings within or without the state, and issue joint or concurrent orders in conjunction or concurrence with any official or agency of any state or of the United States, whether in holding such investigations or hearings, or in the making of such orders, the board is functioning under agreements or compacts between states or under the concurrent power of states to regulate interstate commerce, or as an agency of the United States. The board may negotiate and enter into any agreements or compacts with agencies of other states, pursuant to any consent of congress, for cooperative efforts in certifying the construction, operation, and maintenance of large electric power facilities in accord with the purposes of sections 116C.51 to 116C.69 and for the enforcement of the respective state laws regarding such facilities. If a route is proposed in two or more states, the board shall attempt to reach agreement with affected states on the entry and exit points prior to authorizing the construction of the route.

Sec. 7. Minnesota Statutes 1976, Section 116C.54, is amended to read:

116C.54 [ADVANCE FORECASTING.] Every utility which owns or operates, or plans within the next 15 years to own or operate large electric power generating plants or high voltage transmission lines shall develop forecasts as specified in this section. On or before July 1 of each even-numbered year, every such utility shall submit a report of its forecast to the board. ~~Such~~ *The* report may be appropriate portions of a single regional forecast or may be jointly prepared and submitted by two or more utilities and shall contain the following information:

(1) Description of the tentative regional location and general size and type of all large electric power generating plants and high voltage transmission lines to be owned or operated by ~~such~~ *the* utility during the ensuing 15 years or ~~such~~ *any* longer period as the board deems necessary;

(2) Identification of all existing generating plants and transmission lines projected to be removed from service during ~~such~~ *any* 15 year period or upon completion of construction of ~~such~~ *any* large electric power generating plants and high voltage transmission lines;

(3) Statement of the projected demand for electric energy for the ensuing 15 years and the underlying assumptions for this forecast, such information to be as geographically specific as possible where this demand will occur;

(4) Description of the capacity of the electric power system to meet ~~such~~ *projected* demands during the ensuing 15 years;

(5) Description of the utility's relationship to other utilities and regional associations, power pools or networks; and

(6) Other relevant information as may be requested by the board.

On or before July 1 of each odd-numbered year, a utility shall verify or submit revisions to items (1) and (2).

Sec. 8. Minnesota Statutes 1976, Section 116C.55, Subdivision 2, is amended to read:

Subd. 2. [INVENTORY CRITERIA; PUBLIC HEARINGS.] The board shall promptly initiate a public planning process where all interested persons can participate in developing the criteria and standards to be used by the board in preparing an inventory of potential large electric power generating plant sites and high voltage transmission line corridors study areas and to guide the site and route suitability evaluation and selection process. The participatory process shall include, but should not be limited to public hearings. Before substantial modifications of the initial criteria and standards are adopted, additional public hearings shall be held. Such criteria and standards shall be promulgated on or before July 1, 1974.

Sec. 9. Minnesota Statutes 1976, Section 116C.55, Subdivision 3, is amended to read:

Subd. 3. [INVENTORY OF LARGE ELECTRIC POWER GENERATING PLANT STUDY AREAS.] On or before July 1, 1975 January 1, 1979, the board shall assemble and publish adopt an inventory of potential large electric power generating plant sites and high voltage transmission line corridors study areas and publish an inventory report . The inventory report of potential large electric power generating plant sites and high voltage transmission line corridors shall set forth specify the planning policies, criteria and standards used in developing the potential site and corridor inventory. After completion of its initial inventory of potential sites and corridors, the board shall have a continuing responsibility to evaluate, update and publish its inventory and if, due to changed circumstances or information, a site or corridor is inconsistent with prescribed criteria or does not meet prescribed standards, such site or corridor shall be removed from the inventory of potential sites and corridors .

Sec. 10. Minnesota Statutes 1976, Section 116C.57, is amended to read:

116C.57 [DESIGNATION OF SITES; APPROVAL OF TRANSMISSION LINE ROUTES AND FACILITY CONSTRUCTION; EMERGENCY CERTIFICATION; RESPONSIBILITIES.] Subdivision 1. [DESIGNATION OF SITES SUITABLE FOR SPECIFIC FACILITIES; REPORTS.] Following publication of the inventory of potential sites for large electric power generating plants or corridors for high voltage transmission lines and the submission of the five year development plans of the utilities, A utility must apply to the board in a form and manner prescribed by the board for designation of a specific site or corridor for a specific size and type of facility. No large electric power generating plant or high voltage transmission line shall be constructed except on a site or route designated by the board pursuant to sections 116C.51 to 116C.60. Following the study, evaluation, and hearings, as provided in this section and sections 116C.58 to 116C.60, on The application shall contain at least two proposed sites. In the event a utility proposes a site not included in the

board's inventory of study areas, the utility shall specify the reasons for the proposal and shall make an evaluation of the proposed site based upon the planning policies, criteria and standards specified in the inventory. Pursuant to sections 116C.57 to 116C.60, the board shall study and evaluate any site or corridor proposed by the utilities a utility and such any other sites site and corridors as the board deems necessary from the inventory the board shall designate a suitable site or corridor for a specific size and type of facility. This designation by the board shall be made in accordance with the site selection criteria and standards established in section 116C.55 and shall be made in a timely manner in a finding with reasons for such choice, and published no later than one year after the request for designation of a site by the utility or no later than 180 days after the request for designation of a corridor by the utility. The time for designation of a site may be extended for six months by the board for just cause which was proposed in a manner consistent with rules adopted by the board concerning the form, content, and timeliness of proposed alternative sites. No site or corridor designation shall be made in violation of the site selection standards established in section 116C.55 and the considerations specified in section 116D.02, subdivision 2. The board shall indicate the reasons for any refusal and indicate changes in size or type of facility necessary to allow siting in compliance with the standards site designation. Upon designation of the Within a year after the board's acceptance of a utility's application, the board shall decide in accordance with the criteria specified in section 116C.57, subdivision 4, which proposed site is to be designated. The board may extend for just cause the time limitation for its decision for a period not to exceed six months. When the board designates a site or corridor, the board it shall issue to the utility a certificate of site compatibility to the utility with any appropriate conditions. The board shall publish a notice of its decision in the state register within 30 days of site designation. No large electric power generating plant shall be constructed except on a site designated by the board.

Subd. 2. [APPROVAL OF ROUTES AND FACILITY CONSTRUCTION; PROCEDURE; EXEMPTION.] No later than two years after the issuance of a certificate of site compatibility the A utility shall apply to the board in a form and manner prescribed by the board for a permit for the construction of a high voltage transmission line within the approved corridor. Following The application shall contain at least two proposed routes. Pursuant to sections 116C.57 to 116C.60, the board shall study, evaluation and hearings on evaluate the type, design, routing, right-of-way preparation and facility construction as identified of any route proposed in the a utility's application and any other alternatives to the utility's corridor development proposal as provided in subdivision 4; route the board deems necessary which was proposed in a manner consistent with rules adopted by the board concerning the form, content, and timeliness of proposed alternative routes provided, however, that the board shall identify any such alternative routes prior to the commencement of public hearings thereon pursuant to section 116C.58. Within one year after the

board's acceptance of a utility's application, the board shall decide in accordance with the criteria and standards specified in section 116C.55, subdivision 2, and the considerations specified in section 116C.57, subdivision 4, which proposed route is to be designated. The board shall designate routes along survey, natural division and field boundary lines to the maximum extent practicable and reasonable, unless otherwise permitted by the landowner. The board may extend for just cause the time limitation for its decision for a period not to exceed 90 days. When the board designates a route, it shall issue a permit for the construction of a high voltage transmission lines within the designated corridor. This permit issuance by the board shall be made in a timely manner and published no later than 180 days after the application for a permit by the utility line specifying the type, design, routing, right-of-way preparation and facility construction it deems necessary and with any other appropriate conditions. The board may order the construction of high voltage transmission line facilities which are capable of expansion in transmission capacity through multiple circuiting or design modifications. The board shall publish a notice of its decision in the state register within 30 days of issuance of the permit. No high voltage transmission line shall be constructed except on a route designated by the board, unless it was exempted pursuant to subdivision 5.

Subd. 3. [EMERGENCY CERTIFICATION.] Any utility whose electric power system requires the immediate construction of a large electric power generating plant or high voltage transmission line may make application to the board for an emergency certificate of site compatibility or permit for the construction of high voltage transmission lines, which certificate or permit shall be issued in a timely manner and published no later than 180 195 days after the board's acceptance of the application and upon a finding by the board that a demonstrable emergency exists which requires such immediate construction, and that adherence to the procedures and time schedules set forth specified in sections 116C.54 to , 116C.56 and 116C.57 would jeopardize such the utility's electric power system or would jeopardize the utility's ability to insure the electric needs of its customers in an orderly and timely manner . A public hearing to determine if an emergency exists shall be held within 90 days of the application. The board shall, after notice and hearing, promulgate regulations setting forth rules specifying the criteria for emergency certification.

Subd. 4. [CONSIDERATIONS IN DESIGNATING SITES AND ROUTES.] To facilitate the study, research, evaluation and designation of sites and corridors for large electric power generating plants and high voltage transmission lines and the approval of specific transmission line facilities and their routes , the board shall be guided by, but not limited to, the following responsibilities, procedures, and considerations:

(1) Evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high voltage transmission line corridors and

routes and the effects of water and air discharges *and electric fields resulting from such plants facilities* on public health and welfare, vegetation, animals, materials and aesthetic values, including base line studies, predictive modeling, and monitoring of the water and air mass at proposed *and operating sites and sites of operating large electric power generating plants routes*, evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) Environmental evaluation of large electric power generating plant sites and high voltage transmission line corridors and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) Evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) Evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) Analysis of the direct and indirect economic impact of proposed large electric power generating plants and high voltage transmission lines *including, but not limited to, productive agricultural land lost or impaired* ;

(6) Evaluation of adverse direct and indirect environmental effects which cannot be avoided should the proposed site and transmission line corridor or route be accepted;

(7) Evaluation of alternatives to the proposed site and transmission line corridors and routes *applicant's proposed site or route proposed pursuant to section 116C.57, subdivisions 1 and 2, including potential routes which would maximize the use of, or parallel, existing railroad and highway rights-of-way* ;

(8) *Evaluation of the future needs for additional high voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;*

~~(8)~~ (9) Evaluation of irreversible and irretrievable commitments of resources should the proposed site and transmission line corridor or route be approved;

~~(9)~~ (10) Where appropriate, consideration of problems raised by other state and federal agencies and local entities;

~~(10)~~ (11) Where the board's rules and regulations of the board as set forth in sections 116C.51 to 116C.60 are substantially similar to existing rules and regulations of a federal agency to which the utility in the state is subject, the federal rules and regulations shall be applied by the board ;

(12) *No site or route shall be designated which violates state agency rules.*

Subd. 5. [EXEMPTION OF CERTAIN ROUTES.] A utility may apply to the board in a form and manner prescribed by the board to exempt the construction of any proposed high voltage transmission line from sections 116C.51 to 116C.69. Within 15 days of the board's receipt of the exemption application, the utility shall publish a notice and description of the exemption application in a legal newspaper of general circulation in each county in which the route is proposed and send a copy of the exemption application by certified mail to the chief executive of any regional development commission, county, incorporated municipality and organized town in which the route is proposed. If any person who owns real property crossed by the proposed route files an objection with the board within 60 days after the board's receipt of the exemption application, the board shall either deny the exemption application or conduct a public hearing. If the board determines that the proposed high voltage transmission line will not create significant human or environmental impact, it may exempt the proposed transmission line with any appropriate conditions, but the utility shall comply with any applicable state rule and any applicable zoning, building and land use rules, regulations and ordinances of any regional, county, local and special purpose government in which the route is proposed. The board may require a fee to pay expenses incurred in processing exemptions.

Subd. 6. [RECORDING OF SURVEY POINTS.] The location of monuments or markers found or placed by a utility in a survey of right of way for a high voltage transmission line shall be placed on record in the office of the county recorder or registrar of titles. No fee shall be charged to the utility for recording this information.

Sec. 11. Minnesota Statutes 1976, Section 116C.58, is amended to read:

116C.58 [PUBLIC HEARINGS; NOTICE.] The board shall hold an annual public hearing at a time and place prescribed by regulation rule in order to afford interested persons an opportunity to be heard regarding its inventory of potential sites and corridors study areas and any other aspects of the board's activities and duties or the policies set forth specified in sections 116C.51 to 116C.69. The board shall hold at least one public hearing in each county where a site or route is being considered for designation pursuant to section 116C.57 as suitable for construction of a large electric power generating plant or a high voltage transmission line. Notice of public hearings shall be given by the board at least ten days in advance but no earlier than 45 days prior to such hearings. Notice shall be by publication in a legal newspaper of general circulation in the county in which the public hearing is to be held and by certified mailed notice to chief executives of the regional councils, county development commissions, counties, organized towns and the incorporated municipalities therein in which a site or route is proposed. All hearings held for designating a site or route or for exempting a route shall be conducted by a hearing examiner from the office of hearing examiners pursuant to the contested case procedures of chapter 15. Provided, however, that any person may appear at the hearings and present testimony

and exhibits and may question witnesses without the necessity of intervening as a formal party to the proceedings .

Sec. 12. Minnesota Statutes 1976, Section 116C.59, Subdivision 1, is amended to read:

116C.59 [PUBLIC PARTICIPATION.] Subdivision 1. [ADVISORY COMMITTEE.] The board shall appoint one or more advisory committees to assist it in carrying out its duties. Committees appointed to evaluate ~~plant sites or transmission line corridors~~ routes considered for designation shall be comprised of as many persons as may be designated by the board, but shall include a majority of public representatives; at least one representative from each of the following: A public or municipally owned utility, a private investor owned utility and a cooperatively owned utility; one representative from the Regional council and one from each county development councils, counties and municipal corporation corporations and one town board member from each county in which a large electric power generating plant site and high voltage transmission line corridor are or route is proposed to be located. No person shall serve on an advisory committee if during the past two years he received any substantial portion of his income from any electric utility. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Sec. 13. Minnesota Statutes 1976, Section 116C.59, is amended by adding subdivisions to read:

Subd. 3. [PUBLIC ADVISOR.] The board shall designate one staff person for each application to attend all information meetings and hearings for the sole purpose of assisting and advising those affected and interested citizens on how to effectively participate in the procedure.

Subd. 4. [SCIENTIFIC ADVISORY COMMITTEE.] The board may appoint an advisory committee composed of technical and scientific experts to conduct research and make recommendations concerning specific generic issues such as health and safety, underground routes, double circuiting and long range route and site planning. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Sec. 14. Minnesota Statutes 1976, Section 116C.61, Subdivision 2, is amended to read:

Subd. 2. [FACILITY LICENSING.] Notwithstanding anything herein to the contrary, utilities shall obtain state permits that may be required to construct and operate large electric power generating plants and high voltage transmission lines. A state agency in processing a utility's facility permit application shall be bound to the decisions of the board, with respect to the site designation for the large electric power generating plant or the corridor or route designation for the high voltage transmission line , and with respect to other matters for which authority has been granted to the board by sections 116C.51 to 116C.69.

Sec. 15. Minnesota Statutes 1976, Section 116C.61, Subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY PARTICIPATION.] State agencies authorized to issue permits required for construction or operation of large electric power generating plants or high voltage transmission lines shall participate in and present the position of the agency at public hearings and all other activities of the board on specific site ; ~~corridor~~ or route designations of the board, which position shall clearly state whether the site ; ~~corridor~~, or route being considered for designation or permit approval for a certain size and type of facility will be in compliance with state agency standards, regulations or policies. ~~No site or route shall be designated which violates state agency regulations.~~

Sec. 16. Minnesota Statutes 1976, Section 116C.62, is amended to read:

116C.62 [IMPROVEMENT OF SITES AND ROUTES.] Utilities which have acquired a power plant site or transmission line route in accordance with sections 116C.51 to 116C.69 may proceed to construct or improve ~~such the~~ site or route for the intended purposes at any time, subject to section 116C.61, subdivision 2, provided that if ~~such the~~ construction and improvement commences more than four years after a certificate or permit for the site or route has been issued then the utility must certify to the board that ~~such the~~ site or route continues to meet the conditions upon which the certificate of site compatibility or transmission line construction permit was issued.

Sec. 17. Minnesota Statutes 1976, Section 116C.63, is amended to read:

116C.63 [EMINENT DOMAIN POWERS; RIGHT OF CONDEMNATION.] *Subdivision 1.* Nothing ~~herein in this section~~ shall abrogate or invalidate the right of eminent domain vested in utilities by statute or common law existing as of May 24, 1973 , *except to the extent modified herein* . ~~Such~~ Their right of eminent domain shall continue to exist for utilities and may be used according to law to accomplish any of the purposes and objectives of sections 116C.51 to 116C.69.

Subd. 2. In eminent domain proceedings by a utility for the acquisition of real property proposed for construction of a route or a site, the proceedings shall be conducted in the manner prescribed in chapter 117, except as otherwise specifically provided in this section.

Subd. 3. Whenever private property is proposed to be acquired for the construction of a site or route by eminent domain proceedings, the property owner shall have the option to require the utility to condemn a fee interest in any amount of contiguous land which he owns and elects in writing to dispose of.

Subd. 4. When such property is acquired by eminent domain proceedings and the amount the owner shall receive for the property is finally determined, the owner who is entitled to payment may

elect to have the amount paid in not more than ten annual installments, with interest on the deferred installments, at the rate of eight percent per annum on the unpaid balance, by submitting a written request to the petitioner before any payment has been made. After the first installment is paid the petitioner may make its final certificate, as provided by law, in the same manner as though the entire amount had been paid.

Subd. 5. The court may allow reasonable legal fees incurred by the owner in the proceedings.

Sec. 18. Minnesota Statutes 1976, Section 116C.64, is amended to read:

116C.64 [FAILURE TO ACT.] *In the event If the board fails to designate in a timely manner large electric power generating plant sites and high voltage transmission line corridors or routes as provided for herein act within the times specified in section 116C.57 , any affected utility may seek an order of the district court requiring the board to designate a site , corridor, or route.*

Sec. 19. Minnesota Statutes 1976, Chapter 116C, is amended by adding a section to read:

[116C.645] [REVOCAION OR SUSPENSION.] *A site certificate or construction permit may be revoked or suspended by the board after adequate notice of the alleged grounds for revocation or suspension and a full and fair hearing in which the affected utility has an opportunity to confront any witness and respond to any evidence against it and to present rebuttal or mitigating evidence upon a finding by the board of:*

(1) Any false statement knowingly made in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted a change in the board's findings;

(2) Willful failure to comply with material conditions of the site certificate or construction permit, or willful failure to maintain safety standards contained in the National Electric Safety Code; or

(3) Any material violation of the provisions of sections 116C.51 to 116C.69, any rule promulgated pursuant thereto, or any order of the board.

Sec. 20. Minnesota Statutes 1976, Section 116C.65, is amended to read:

116C.65 [JUDICIAL REVIEW.] *Any utility, party or person aggrieved by the issuance of a certificate or emergency certificate of site compatibility or transmission line construction permit from the board or a certification of continuing suitability filed by a utility with the board or by a final order in accordance with any rules and regulations promulgated by the board, may appeal therefrom to any district court where such large electric power generating plant a site or high voltage transmission line route is to be located. Such The appeal shall be made and perfected filed within*

60 days after the *publication in the state register of notice of the issuance of the certificate or permit by the board or certification filed with the council or the filing of any final order by the board.* The notice of appeal to the district court shall be filed with the clerk of the district court and a copy thereof mailed to the board and affected utility. Any utility, party or person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions. *The scope of judicial review shall be as prescribed in section 15.024.*

Sec. 21. Minnesota Statutes 1976, Section 116C.66, is amended to read:

116C.66 [RULES.] The board, in order to give effect to the purposes of sections 116C.51 to 116C.69, shall *prior to January 1, 1978, adopt rules and regulations consistent with sections 116C.51 to 116C.69, including promulgation of plant siting and transmission line routing site and route designation criteria, the description of the information to be furnished by the utilities, establishment of minimum guidelines for public participation in the development, revision, and enforcement of any regulation rule, plan or program established by the board, procedures for the revocation or suspension of a construction permit or a certificate of site compatibility, the procedure and timeliness for proposing alternative routes and sites, and route exemption criteria and procedures. The office of hearing examiners shall prior to January 1, 1978, adopt rules concerning the conduct of public hearings relating to the site and route designation process and to the route exemption process which attempt to maximize citizen participation in these processes. No rule adopted by the board shall grant priority to state owned wildlife management areas over agricultural lands in the designation of route avoidance areas.* Chapter 15, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applies to review of rules and regulations adopted by any other agency of state government.

Sec. 22. Minnesota Statutes 1976, Section 116C.67, is amended to read:

116C.67 [SAVINGS CLAUSE.] The provision of sections 116C.51 to 116C.69 shall not apply to ~~the any site for the large electric power generating plant evaluated and recommended by the governor's environmental quality council prior to the date of enactment, and also to any high voltage transmission lines, the construction of which will commence prior to July 1, 1974 ; provided, however, that within 90 days following the date of enactment, the affected utility shall file with the council a written statement identifying such transmission lines, their planned location, and the estimated date for commencement of construction .~~

Sec. 23. Minnesota Statutes 1976, Section 116C.68, is amended to read:

116C.68 [ENFORCEMENT, PENALTIES.] Subdivision 1. Any person who violates sections 116C.51 to 116C.69 or any rule or regulation promulgated hereunder, or knowingly submits false in-

formation in any report required by sections 116C.51 to 116C.69 shall be guilty of a misdemeanor for the first offense and a gross misdemeanor for the second and each subsequent offense. Each day of violation shall constitute a separate offense.

Subd. 2. The provisions of sections 116C.51 to 116C.69 or any rules or regulations promulgated hereunder may be enforced by injunction, action to compel performance or other appropriate action in the district court of the county wherein the violation takes place. The attorney general shall bring any action under this subdivision upon the request of the board.

Subd. 3. When the court finds that any person has violated sections 116C.51 to 116C.69, any rule or regulation hereunder, knowingly submitted false information in any report required by sections 116C.51 to 116C.69 or has violated any court order issued under this chapter sections 116C.51 to 116C.69, the court may impose a civil penalty of not more than \$10,000 for each violation. These penalties shall be paid to the general fund in the state treasury.

Sec. 24. Minnesota Statutes 1976, Section 116C.69, is amended to read:

116C.69 [BIENNIAL REPORT; APPLICATION FEES; APPROPRIATION; FUNDING.] Subdivision 1. [BIENNIAL REPORT.] *Before November 15 of each even-numbered year* the board shall prepare and submit to the legislature biennially a report of its power plant and transmission siting operations, activities, findings, and recommendations, and undertakings concerning sections 116C.51 to 116C.69. The report shall also contain information on the board's biennial expenditures, its proposed budget for the following biennium, and the amounts paid in certificate and permit application fees pursuant to subdivision subdivisions 2 and 3 and in assessments pursuant to subdivision 3 4. The proposed budget for the following biennium shall be subject to legislative review.

Subd. 2. [SITE APPLICATION FEE.] Every applicant for a site certificate or transmission line construction permit shall pay to the board a fee in an amount equal to \$500 for each \$1,000,000 of production or transmission line plant investment in the proposed installation as defined in the Federal Power Commission Uniform System of Accounts. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that such the excess is reasonably necessary. The applicant shall pay within 30 days of notification such any additional fees as are reasonably necessary for completion of the plant site, transmission line corridor or route evaluation and selection designation process by the board. In no event shall the total fees required of the applicant under this subdivision exceed an amount equal to 0.001 of said production or transmission line plant investment (\$1,000 for each \$1,000,000) except that the minimum application fee shall not be less than \$5,000. All money received pursuant to this subdivision shall be deposited in the

general fund. So much money as is necessary is annually appropriated from the general fund to pay expenses incurred in processing applications for certificates or permits in accordance with the provisions of sections 116C.51 to 116C.69 and in the event such expenses are less than the fee paid, to refund the excess to the applicant. This annual appropriation shall not exceed the fees to be paid during such each period.

Subd. 2a. [ROUTE APPLICATION FEE.] Every applicant for a transmission line construction permit shall pay to the board a base fee of \$35,000 plus a fee in an amount equal to \$1,000 per mile length of the longest proposed route. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that the excess is reasonably necessary. In the event the actual cost of processing an application up to the board's final decision to designate a route exceeds the above fee schedule, the board may assess the applicant any additional fees necessary to cover the actual costs, not to exceed an amount equal to \$500 per mile length of the longest proposed route. All money received pursuant to this subdivision shall be deposited in the general fund. So much money as is necessary is annually appropriated from the general fund to pay expenses incurred in processing applications for construction permits in accordance with sections 116C.51 to 116C.69 and in the event the expenses are less than the fee paid, to refund the excess to the applicant. This annual appropriation shall not exceed the fees to be paid during each period.

Subd. 3. [FUNDING; ASSESSMENT.] The board shall finance its base line studies, general environmental studies, development of criteria, inventory preparation, monitoring of conditions placed on site certificates and construction permits, and all other work, other than specific site, corridor, and route selection, designation from an assessment made annually by the board against all utilities. Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.333, as determined by the board. Such The assessment shall be credited to the general fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the annual budget of the board for carrying out the purposes of this subdivision.

Sec. 25. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.139] [TAX CREDIT FOR LAND CROSSED BY HIGH VOLTAGE TRANSMISSION LINES.] *Subdivision 1. [CRED-*

IT.] *The property tax to be paid on land over which runs a high voltage transmission line as defined in section 116C.52, subdivision 3, shall be reduced by an amount equal to the credit for which it is eligible pursuant to subdivision 2.*

Subd. 2. [COMPUTATION.] The credit due against the property tax on each parcel shall be determined by multiplying a fraction, the numerator of which is the length of transmission line with a design of 200 kilovolts or more which run over that parcel and the denominator of which is the total length of such lines running over all property within the county, by that portion of the transmission and distribution line tax which is provided in section 26 for that purpose. If the amount of the credit for which the property would qualify pursuant to this subdivision exceeds the tax liability of the property, the excess amount shall not be refundable.

Sec. 26. Minnesota Statutes 1976, Section 273.42, is amended to read:

273.42 [RATE OF TAX; ENTRY AND CERTIFICATION; CREDIT ON PAYMENT.] *The property set forth in section 273.37, subdivision 2, consisting of transmission lines, and distribution lines not taxed as provided in sections 273.38, 273.40 and 273.41 shall be taxed at the average rate of taxes levied for all purposes throughout the county and shall be entered on the tax lists by the county auditor against the owner thereof and certified to the county treasurer at the same time and in the same manner that other taxes are certified, and, when paid, shall be credited, one-half to the general revenue fund of the county, and one-half to the general school fund of the county. *Of the amount credited to the general school fund of the county, 30 percent of the revenue which is derived from the taxation of transmission lines with a design of 200 kilovolts or more which cross land subject to property tax in the county shall be used to provide a credit against the tax on property which qualifies pursuant to section 1.**

Sec. 27. Minnesota Statutes 1976, Section 276.04, is amended to read:

276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.] *On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to*

taxpayers statements of their personal property taxes due, such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than May 15; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. The statement shall also include the base tax as defined in section 273.011, subdivision 4, for qualified property as defined in section 273.011 for which the credit provided for in section 273.012 is claimed. The statement shall show the amount attributable to section 273.132 as "state paid agricultural credit" and the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit." *The statement for property receiving a credit pursuant to section 1 shall show the amount of the credit, to be designated as "high voltage transmission line credit".* The commissioner of revenue shall provide each county auditor with the names of those persons in the assessor's district who have filed and qualified for the property tax credit pursuant to sections 273.011 and 273.012 and shall inform the assessor of the base tax of those persons. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

Sec. 28. [EMERGENCY RULES.] *The board is authorized and directed to promulgate emergency rules pursuant to section 15.0412, subdivision 5, within 30 days of the effective date of this act, concerning the procedures for the revocation or suspension of a construction permit or a certificate of site compatibility and the procedure for designation of a route, including the manner and timeliness of proposing alternative routes, route designation considerations and route exemption criteria and procedures.*

The office of hearing examiners is authorized and directed to promulgate emergency rules pursuant to section 15.0412, subdivision 5, within 30 days of the effective date of this act, concerning the conduct of public hearings relating to the designation and exemption of routes. The rules shall attempt to maximize citizen participation in the route designation and exemption process.

Any emergency rules authorized by this section shall be effective until either January 1, 1978, or until the board and the office of hearing examiners adopt permanent rules pursuant to chapter 15, whichever occurs first.

Sec. 29. *Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56, are repealed.*

Sec. 30. *Except as herein provided, this act is effective the day following its final enactment. It shall apply to all eminent domain proceedings in which the commissioners have not filed their report pursuant to section 117.105. Any corridor, route or site application filed or any public hearing or other proceeding pursuant to*

sections 116C.51 to 116C.69 initiated prior to the effective date of this act shall be considered, conducted and acted upon in accordance with the law and rules in effect prior to the effective date of this act. Any route or site application filed or any public hearing or other proceeding pursuant to sections 116C.51 to 116C.69 initiated subsequent to the effective date of this act shall be postponed until the completion of the emergency rules authorized in section 28, at which time it shall be considered, conducted and acted upon in accordance with sections 116C.51 to 116C.69, as amended by this act, and the emergency or permanent rules adopted pursuant to section 24 of this act. Section 25, 26 and 27 are effective for taxes levied in 1977 and thereafter and payable in 1978 and thereafter."

Amend the title as follows:

Line 4, after the semicolon insert "eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned, annual payments, and attorneys fees for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; prescribing a property tax credit for land crossed by high voltage transmission lines;"

Line 6, strike "Subdivision" and insert "Subdivisions" and after "3" insert "and 7"

Line 9, after "Subdivision 1" insert ", and by adding subdivisions"

Line 9, after "3;" insert "116C.62; 116C.63;"

Line 10, after "116C.64;" insert "116C.65; 116C.66; 116C.67; 116C.68;"

Line 10, after "116C.69;" insert "273.42; 276.04;"

Line 10, strike "Chapter" and insert "Chapters"

Line 11, after "section;" insert "and 273, by adding a section;"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. No. 716 was read the second time.

S. F. Nos. 1028, 943, 781, 922, 39, 1064, 356, 932, 572, 589, 1004, 964, 881, 882, 233 and 176 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 720, 76, 308 and 148 were read the second time.

H. F. No. 33 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that the name of Mr. Lessard be added as co-author to S. F. No. 20. The motion prevailed.

Mr. Knutson moved that the name of Mr. Sikorski be added as co-author to S. F. No. 368. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dunn be added as co-author to S. F. No. 896. The motion prevailed.

Mr. Willet moved that the name of Mr. Menning be added as co-author to S. F. No. 1201. The motion prevailed.

Mr. Spear moved that the name of Mr. Keefe, S. be added as co-author to S. F. No. 1265. The motion prevailed.

Mr. Spear moved that the name of Mr. Keefe, S. be added as co-author to S. F. No. 1266. The motion prevailed.

Mr. Johnson moved that H. F. No. 1003 be withdrawn from the Committee on General Legislation and Veterans Affairs and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 753. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Moe, Hanson and Sillers introduced—

S. F. No. 1386: A bill for an act relating to flood control and water management problems in the watershed of the Red River of the North; providing for water retention projects; appropriating money to the lower Red River watershed management board.

Referred to the Committee on Local Government.

Mr. Frederick introduced—

S. F. No. 1387: A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Steele county.

Referred to the Committee on Local Government.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Laufenburger moved that the name of Mr. Renneke be added as co-author to S. F. No. 921. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 57: A bill for an act relating to local control of campus liquor policy; amending Minnesota Statutes 1976, Section 624.701, 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 26 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Keefe, J.	Merriam	Sikorski	Ulland, J.
Brataas	Keefe, S.	Milton	Spear	Vega
Davies	Knoll	Ogdahl	Staples	
Dieterich	Knutson	Pillsbury	Stokowski	
Hanson	Lewis	Purfeerst	Stumpf	
Hughes	Luther	Schaaf	Ueland, A.	

Those who voted in the negative were:

Bang	Gearty	McCutcheon	Perpich	Solon
Benedict	Gunderson	Menning	Peterson	Strand
Bernhagen	Humphrey	Moe	Renneke	Tennessee
Borden	Jensen	Nelson	Schmitz	Wegener
Chmielewski	Johnson	Nichols	Schrom	Willet
Coleman	Kleinbaum	Olhoff	Setzepfandt	
Dunn	Laufenburger	Olson	Sieloff	
Frederick	Lessard	Penny	Sillers	

So the bill failed to pass.

NOTICE OF RECONSIDERATION

Mr. Kleinbaum gave notice of intention to move for reconsideration of S. F. No. 57.

THIRD READING OF SENATE BILLS—CONTINUED

S. F. No. 651: A bill for an act relating to health; developing standards for safe drinking water; providing penalties; defining terms; amending Minnesota Statutes 1976, Section 115.71, Subdivision 7; and 144.12, 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 50 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Lewis	Olson	Solon
Bang	Humphrey	Luther	Penny	Spear
Benedict	Jensen	McCutcheon	Perpich	Staples
Borden	Johnson	Menning	Pillsbury	Stokowski
Chmielewski	Keefe, J.	Milton	Purfeerst	Stumpf
Coleman	Keefe, S.	Moe	Renneke	Ueland, A.
Dieterich	Kleinbaum	Nelson	Schaaf	Ulland, J.
Dunn	Knoll	Nichols	Schmitz	Vega
Gearty	Laufenburger	Ogdahl	Sikorski	Wegener
Gunderson	Lessard	Olhoff	Sillers	Willet

Those who voted in the negative were:

Bernhagen	Frederick	Merriam	Setzepfandt	Tennessen
Brataas	Hanson	Peterson	Sieloff	
Davies	Knutson	Schrom	Strand	

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 283: A bill for an act relating to securities; disciplinary action against a licensee; clarifying the time for initiating a proceeding; amending Minnesota Statutes 1976, Sections 80A.07, Subdivision 2, and 80A.21, 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	Gunderson	Lewis	Perpich	Spear
Bang	Hanson	Luther	Peterson	Staples
Benedict	Hughes	McCutcheon	Pillsbury	Stokowski
Bernhagen	Humphrey	Menning	Purfeerst	Strand
Borden	Jensen	Merriam	Renneke	Stumpf
Brataas	Johnson	Milton	Schaaf	Tennessen
Chmielewski	Keefe, J.	Moe	Schmitz	Ueland, A.
Coleman	Keefe, S.	Nelson	Schrom	Ulland, J.
Davies	Kleinbaum	Nichols	Setzepfandt	Vega
Dieterich	Knoll	Ogdahl	Sieloff	Wegener
Dunn	Knutson	Olhoft	Sikorski	Willet
Frederick	Laufenburger	Olson	Sillers	
Gearty	Lessard	Penny	Solon	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 826: A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

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 3, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Humphrey	Knutson	Moe
Bang	Davies	Jensen	Laufenburger	Nelson
Benedict	Dunn	Johnson	Lessard	Nichols
Bernhagen	Frederick	Keefe, J.	Luther	Ogdahl
Borden	Gearty	Keefe, S.	McCutcheon	Olhoft
Brataas	Hanson	Kleinbaum	Menning	Olson
Chenoweth	Hughes	Knoll	Merriam	Penny

Perpich	Schaaf	Sillers	Strand	Vega
Peterson	Schmitz	Solon	Stumpf	Wegener
Pillsbury	Setzepfandt	Spear	Tennessee	Willet
Purfeerst	Sieloff	Staples	Ueland, A.	
Renneke	Sikorski	Stokowski	Ulland, J.	

Messrs. Dieterich, Gunderson and Schrom voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 847: A bill for an act relating to statutory publications; providing for the distribution of Minnesota Statutes and session laws; amending Minnesota Statutes 1976, Section 648.39, 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 60 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lewis	Perpich	Solon
Bang	Hanson	Luther	Peterson	Spear
Benedict	Hughes	McCutcheon	Pillsbury	Staples
Bernhagen	Humphrey	Menning	Purfeerst	Stokowski
Borden	Jensen	Merriam	Renneke	Strand
Brataas	Johnson	Milton	Schaaf	Stumpf
Chenoweth	Keefe, J.	Moe	Schmitz	Tennessee
Chmielewski	Keefe, S.	Nelson	Schrom	Ueland, A.
Davies	Kleinbaum	Ogdahl	Setzepfandt	Ulland, J.
Dunn	Knutson	Olhoff	Sieloff	Vega
Frederick	Laufenburger	Olson	Sikorski	Wegener
Gearty	Lessard	Penny	Sillers	Willet

Messrs. Dieterich and Knoll voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 919: A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; amending Minnesota Statutes 1976, Section 169.80, 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Perpich	Solon
Bang	Gunderson	Lewis	Peterson	Spear
Benedict	Hanson	Luther	Pillsbury	Staples
Bernhagen	Hughes	McCutcheon	Purfeerst	Stokowski
Brataas	Humphrey	Menning	Renneke	Strand
Chenoweth	Jensen	Merriam	Schaaf	Stumpf
Chmielewski	Johnson	Moe	Schmitz	Tennessee
Coleman	Keefe, J.	Nelson	Schrom	Ueland, A.
Davies	Keefe, S.	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Kleinbaum	Olhoff	Sieloff	Vega
Dunn	Knutson	Olson	Sikorski	Wegener
Frederick	Laufenburger	Penny	Sillers	Willet

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Third Reading of Senate Bills.

THIRD READING OF SENATE BILLS

S. F. No. 478: A bill for act relating to cities; amending the definition of first class cities; amending Minnesota Statutes 1976, Section 410.01.

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Olson	Sillers
Bang	Gearty	Lessard	Penny	Solon
Benedict	Hanson	Lewis	Perpich	Spear
Bernhagen	Hughes	Luther	Peterson	Staples
Borden	Humphrey	McCutcheon	Pillsbury	Strand
Brataas	Jensen	Menning	Purfeerst	Stumpf
Chenoweth	Johnson	Merriam	Renneke	Tennessee
Chmielewski	Keefe, J.	Milton	Schaaf	Ueland, A.
Coleman	Keefe, S.	Moe	Schmitz	Ulland, J.
Davies	Kleinbaum	Nelson	Setzepfandt	Vega
Dieterich	Knoll	Ogdahl	Sieloff	Wegener
Dunn	Knutson	Olhoff	Sikorski	Willet

Messrs. Gunderson and Schrom voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 757: A bill for act relating to transportation; repealing the "Sunday holiday law"; allowing commercial vehicles to operate within 35 miles of cities of the first class on Sundays and legal holidays; amending Minnesota Statutes 1976, Section 221.221; repealing Minnesota Statutes 1976, Sections 221.191, 221.201 and 221.211.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 18, as follows:

Those who voted in the affirmative were:

Bernhagen	Gunderson	Lessard	Olson	Setzepfandt
Borden	Hanson	Lewis	Penny	Sikorski
Brataas	Humphrey	Luther	Peterson	Solon
Chmielewski	Jensen	Merriam	Pillsbury	Staples
Coleman	Johnson	Milton	Purfeerst	Stokowski
Davies	Kleinbaum	Moe	Renneke	Vega
Dunn	Knoll	Nelson	Schaaf	Wegener
Frederick	Knutson	Nichols	Schmitz	Willet
Gearty	Laufenburger	Ogdahl	Schrom	

Those who voted in the negative were:

Bang	Keefe, J.	Olhoff	Spear	Ueland, A.
Benedict	Keefe, S.	Perpich	Strand	Ulland, J.
Chenoweth	McCutcheon	Sieloff	Stumpf	
Dieterich	Menning	Sillers	Tennessee	

So the bill passed and its title was agreed to.

S. F. No. 450: A bill for act relating to banks and banking; authorizing certain branch banks; permitting consolidation of banks in regions; amending Minnesota Statutes 1976, Sections 48.34 and 49.34.

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 38 and nays 25, as follows:

Those who voted in the affirmative were:

Bang	Humphrey	Lewis	Perpich	Spear
Borden	Johnson	Luther	Pillsbury	Staples
Brataas	Keefe, J.	McCutcheon	Purfeerst	Stumpf
Chenoweth	Keefe, S.	Merriam	Schaaf	Tennessee
Coleman	Kleinbaum	Milton	Sieloff	Ueland, A.
Davies	Knoll	Nelson	Sikorski	Ulland, J.
Gearty	Knutson	Nichols	Sillers	
Gunderson	Lessard	Ogdahl	Solon	

Those who voted in the negative were:

Anderson	Dunn	Laufenburger	Penny	Stokowski
Benedict	Frederick	Menning	Peterson	Strand
Bernhagen	Hanson	Moe	Renneke	Vega
Chmielewski	Hughes	Olhoff	Schmitz	Wegener
Dieterich	Jensen	Olson	Schrum	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 105, 430, 20, 466 and H. F. Nos. 681 and 705, which the committee recommends to pass.

S. F. No. 530, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 2, line 14, strike "not" and insert "be guilty of a petty misdemeanor."

Page 2, strike line 15

Amend the title as follows:

Page 1, line 4, before the period insert “; providing a penalty”

H. F. No. 339, which the committee recommends to pass with the following amendments offered by Messrs. Milton, Merriam and Knoll:

Mr. Milton moved to amend H. F. No. 339, as amended pursuant to Rule 49, adopted by the Senate April 13, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 238.)

Page 3, after line 26, insert:

“Sec. 2. Minnesota Statutes 1976, Chapter 161, is amended by adding a section to read:

[161.3211] [REPORTS.] *Subdivision 1. [COMMISSIONER OF TRANSPORTATION.] The commissioner of transportation shall submit an annual report pursuant to section 3.195 to the governor and the legislature with a copy to the commissioner of economic development indicating the progress being made toward the objectives and goals of section 1 of this act during the preceding fiscal year. This report shall include the following information:*

(a) *The total dollar value and number of potential set-aside awards identified during this period and the percentage of total construction work this figure reflects;*

(b) *The number of small businesses identified by and responding to the set-aside program, the total dollar value and number of set-aside contracts actually awarded to small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the total number of small businesses that were awarded set-aside contracts;*

(c) *The total dollar value and number of set-aside contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the percentages of the total construction work the figures of total dollar value and the number of set-asides reflect;*

(d) *The number of contracts which were designated and set-aside pursuant to section 1 of this act, but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to the normal procedures.*

Subd. 2. [COMMISSIONER OF ECONOMIC DEVELOPMENT.] The commissioner of economic development shall submit an annual report to the governor and the legislature pursuant to section 3.195 with a copy to the commissioner of transportation. This report shall include the following information:

(a) *The efforts undertaken to publicize the provisions of the set-aside program during the preceding fiscal year;*

(b) *The efforts undertaken to identify small businesses including those owned and operated by socially or economically disadvantaged persons, and the efforts undertaken to encourage participation in the set-aside program;*

(c) *The efforts undertaken by the commissioner to remedy the inability of small businesses to perform on potential set-aside awards; and*

(d) *The commissioner's recommendations for strengthening the set-aside program and delivery of services to small businesses."*

Amend the title as follows:

Page 1, line 3, after the semicolon insert "requiring reports;"

Page 1, line 4, strike "a"

Page 1, line 5, strike "section" and insert "sections"

Mr. Merriam moved to amend H. F. No. 339, as amended pursuant to Rule 49, adopted by the Senate April 13, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 238.)

Page 2, after line 9, insert:

"(c) *"Physically handicapped person" means a person who has suffered a substantial physical disability or dysfunction."*

Reletter the clauses accordingly

Page 2, line 24, strike the first "and" and insert a comma

Page 2, line 25, after "persons" insert "*and small businesses owned and operated by physically handicapped persons*"

Mr. Knoll moved to amend H. F. No. 339, as amended pursuant to Rule 49, adopted by the Senate April 13, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 238.)

Page 3, line 3, strike "*deprived*" and insert "*disadvantaged*"

Page 3, line 12, after the period insert "*Contracts awarded pursuant to this section shall be subject to all applicable limitations contained in section 16.083, subdivisions 2, 3 and 6.*"

S. F. No. 381, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 5, line 15, strike "*November*" and insert "*December*"

Page 5, line 16, strike "*30th*" and insert "*15th*"

Page 5, line 22, strike "*November*" and insert "*December*"

Page 5, line 22, strike "*30th*" and insert "*15th*"

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Olson introduced—

S. F. No. 1388: A bill for an act relating to agriculture; seeds; changing the basis for listing restricted noxious weed seeds on labels; prohibiting certain acts; increasing fees; amending Minnesota Statutes 1976, Sections 21.48, Subdivision 3; 21.49, Subdivision 1; 21.53, Subdivision 3; and 21.54, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, Perpich, Lessard, Borden and McCutcheon introduced—

S. F. No. 1389: A bill for an act relating to taxation; increasing the tax on taconite production and providing for the distribution of its proceeds; establishing a taconite environmental and economic protection fund; imposing a tax on residual materials attributable to the production of concentrates from taconite; appropriating money; amending Minnesota Statutes 1976, Sections 273.134; 273.135, Subdivision 2; 298.03; 298.22, by adding a subdivision; 298.24, Subdivision 1; 298.244, Subdivision 2; 298.25; 298.26; 298.27; 298.28, Subdivision 1, and by adding subdivisions; 298.282, Subdivisions 1 and 2; and Chapter 298, by adding sections; repealing Minnesota Statutes 1976, Sections 298.24, Subdivision 2; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; and 298.281.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe and Perpich introduced—

S. F. No. 1390: A bill for an act relating to public welfare; local mental health programs; authorizing counties bordering on economic development regions to obtain mental health services from adjacent regions; amending Minnesota Statutes 1976, Chapter 245, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, April 21, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, April 20, 1977

The House of Representatives met on Wednesday, April 20, 1977, which was the Thirty-seventh Legislative Day of the Seventieth Session of the Minnesota State Legislature. The Senate did not meet on this date.

THIRTY-EIGHTH DAY

St. Paul, Minnesota, Thursday, April 21, 1977

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Ashbach	Engler	Kleinbaum	Olhoft	Sillers
Benedict	Gearty	Knoll	Penny	Stokowski
Bernhagen	Gunderson	Laufenburger	Perpich	Stumpf
Borden	Hanson	Lessard	Peterson	Ueland, A.
Chenoweth	Hughes	Lewis	Pillsbury	Ulland, J.
Chmielewski	Humphrey	Luther	Purfeerst	Vega
Coleman	Johnson	Menning	Schmitz	Wegener
Davies	Keefe, J.	Milton	Schrom	Willet
Dieterich	Keefe, S.	Moe	Setzepfandt	
Dunn	Kirchner	Nelson	Sikorski	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rabbi Bernard Raskas.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Peterson	Stokowski
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Borden	Humphrey	Menning	Renneke	Ueland, A.
Brataas	Jensen	Merriam	Schaaf	Ulland, J.
Chenoweth	Johnson	Milton	Schmitz	Vega
Chmielewski	Keefe, J.	Moe	Schrom	Wegener
Coleman	Keefe, S.	Nelson	Setzepfandt	Willet
Davies	Kirchner	Nichols	Sieloff	
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olhoft	Sillers	
Engler	Knutson	Olson	Solon	

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. Tennesen was excused from the Session of today. Mr. Gunderson was excused from the Session of today at 12:00 o'clock noon.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 15, 1977

The Honorable Martin O. Sabo
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 1977 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 1977	Date Filed 1977
43		22	April 14	April 15
104		23	April 14	April 15
	168	24	April 14	April 15
	418	25	April 14	April 15

Sincerely,

Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Vega; Kleinbaum; Keefe, S.; Luther and Laufenburger introduced—

S. F. No. 1391: A bill for an act relating to taxation; changing income tax credit for political contributions to include federal and local candidates; increasing maximum credit; amending Minnesota Statutes 1976, Section 290.06, Subdivision 11.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knutson and Frederick introduced—

S. F. No. 1392: A bill for an act relating to handicapped persons; creating the board for barrier free design; prescribing its powers and duties; providing for the amendment of rules relating to buildings and facilities for the physically handicapped; amending Minnesota Statutes 1976, Sections 471.466; and 471.467, Subdivision 1; and Chapter 471, by adding a section; repealing Minnesota Statutes 1976, Sections 299F.41 to 299F.45.

Referred to the Committee on Governmental Operations.

Mr. Vega, Mrs. Staples, Messrs. Sikorski and Milton introduced—

S. F. No. 1393: A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olson, Bernhagen, Borden, Setzepfandt and Peterson introduced—

S. F. No. 1394: A bill for an act relating to taxation; continuing certain tax incentives for pollution control property; amending Minnesota Statutes 1976, Section 290.06, Subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon and Willet introduced—

S. F. No. 1395: A bill for an act relating to education; public television; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivision 2.

Referred to the Committee on Education.

Messrs. Ogdahl and Knutson introduced—

S. F. No. 1396: A bill for an act relating to taxation; providing that rent credit survives death of claimant; amending Minnesota Statutes 1976, Section 290.984.

Referred to the Committee on Taxes and Tax Laws.

Mr. Perpich introduced—

S. F. No. 1397: A bill for an act relating to the city of Gilbert; authorizing proportionate service pensions for firemen.

Referred to the Committee on Governmental Operations.

Mr. Davies introduced—

S. F. No. 1398: A bill for an act relating to highway traffic regulation; change of course; clarifying requirement to signal a turn; amending Minnesota Statutes 1976, Section 169.19, Subdivision 4.

Referred to the Committee on Transportation.

Messrs. Dieterich, Nichols, Knutson, Bernhagen and Sikorski introduced—

S. F. No. 1399: A bill for an act relating to welfare; clarifying the powers of guardianship by the commissioner; amending Min-

nesota Statutes 1976, Sections 252A.02, Subdivision 2; 252A.03, Subdivision 3; 252A.04, Subdivision 3; 252A.07, Subdivision 1; and 252A.18; repealing Minnesota Statutes 1976, Section 252.03.

Referred to the Committee on Judiciary.

Messrs. Hughes, Menning, Gunderson, Strand and Ueland, A. introduced—

S. F. No. 1400: A bill for an act relating to education; school districts; requiring school boards to appoint textbook advisory committees; amending Minnesota Statutes 1976, Section 123.40, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Milton; Coleman; Keefe, S. and Lewis introduced—

S. F. No. 1401: A bill for an act relating to public health; requiring uniform accounting and reporting standards for hospitals; authorizing the establishment of a comprehensive hospital rate setting and control system; requiring certain information from certain professional standards review organizations; amending Minnesota Statutes 1976, Sections 144.697, by adding subdivisions; 144.698, Subdivision 1, and by adding a subdivision; and 144.701, Subdivisions 2, 5 and 6; repealing Minnesota Statutes 1976, Section 144.702.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Menning, Setzepfandt and Luther introduced—

S. F. No. 1402: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article XIII; requiring that vacancies in the United States senate be filled by election.

Referred to the Committee on Elections.

Messrs. Hughes, Stumpf and McCutcheon introduced—

S. F. No. 1403: A bill for an act relating to Ramsey county; codifying existing laws relating to the composition, terms, selection and redistricting of the board of commissioners; providing for the time and place of certain board meetings; authorizing rules of procedure and the keeping and publication of a board journal; amending Laws 1974, Chapter 435, Section 2.05, and by adding sections; repealing Laws 1974, Chapters 435, Sections 2.01, 2.02 and 2.06; and 576, Section 2, Subdivisions 1, 2, 3 and 5.

Referred to the Committee on Local Government.

Messrs. Stumpf, Gunderson, Hughes, Nichols and Ueland, A. introduced—

S. F. No. 1404: A bill for an act relating to education; public libraries; providing grants for certain libraries and setting guidelines for interlibrary cooperation; amending Minnesota Statutes 1976, Sections 121.23 and 121.24; repealing Minnesota Statutes 1976, Sections 121.22 and 134.035.

Referred to the Committee on Education.

Mr. Benedict introduced—

S. F. No. 1405: A bill for an act relating to the organization and operation of state government; citation enforcement of violations of statutes and rules in the departments of agriculture, health, labor and industry, and public safety and the pollution control agency; providing for appointment of enforcement agents; authorizing the supreme court to promulgate rules governing procedure and forms of citations.

Referred to the Committee on Governmental Operations.

Messrs. Wegener, Purfeerst, Dunn and Olson introduced—

S. F. No. 1406: A bill for an act relating to agriculture; clarifying certain terms; eliminating six months license provision; permitting license suspension; permitting waiver of the right to a hearing; clarifying weighing locations and weighing fees; amending Minnesota Statutes 1976, Sections 17A.03, Subdivisions 6 and 7; 17A.04, Subdivision 1, and by adding a subdivision; 17A.05, Subdivision 2; 17A.06, Subdivisions 2 and 3; 17A.10; and 17A.11.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bernhagen, Benedict, Chmielewski, Bang and Frederick introduced—

S. F. No. 1407: A bill for an act relating to taxation; providing that inheritance tax exemptions be based on the statewide average annual wage; amending Minnesota Statutes 1976, Section 291.05.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Jensen, Knutson and Kenneke introduced—

S. F. No. 1408: A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; providing for determinate terms for certain crimes; amending Minnesota Statutes 1976, Sections 242.19, Subdivision 1; 243.05; 243.06; 243.18; 299F.811; 299F.815; 609.02, by adding a subdivision; 609.10; 609.12, Subdivision 1; 609.135, Subdivision 1; 609.19; 609.195; 609.20; 609.205; 609.225; 609.24; 609.245; 609.25, Subdivision 2; 609.342; 609.343; 609.344; 609.561; 609.562; 609.558, Subdivision 2; repealing Minnesota Statutes 1976, Sections 609.11; and 609.346.

Referred to the Committee on Judiciary.

Mr. Peterson introduced—

S. F. No. 1409: A bill for an act relating to watershed districts; Cormorant Lakes watershed district; providing for election of managers; establishing election procedures.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Borden and Vega introduced—

S. F. No. 1410: A bill for an act relating to the attorney general; changing appointments; removing restrictions on assignment of deputy and assistant attorneys general; amending Minnesota Statutes 1976, Sections 8.02 and 268.12, Subdivision 5; repealing Minnesota Statutes 1976, Sections 8.023; 8.024; 8.026, and 84.025, Subdivision 6.

Referred to the Committee on Governmental Operations.

Mr. Johnson introduced—

S. F. No. 1411: A bill for an act relating to pesticides; prescribing certain limitations on the aerial application of pesticides; imposing requirements for pesticide application in certain areas; amending Minnesota Statutes 1976, Chapter 18A, by adding sections.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Hughes, Schrom, Kleinbaum, Anderson and Knutson introduced—

S. F. No. 1412: A bill for an act relating to education; higher education coordinating board; private post-secondary institutions; exempting theological seminaries from the requirement of registration with the board; amending Minnesota Statutes 1976, Chapter 136A, by adding a section.

Referred to the Committee on Education.

Mr. Hanson, Mrs. Staples, Messrs. Setzepfandt, Willet and Moe introduced—

S. F. No. 1413: A bill for an act relating to unemployment compensation; providing eligibility for benefits for certain retired workers; amending Minnesota Statutes 1976, Section 268.09, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Hanson, Setzepfandt, Bernhagen, Peterson and Lessard introduced—

S. F. No. 1414: A bill for an act relating to agriculture; soil conditioners and pesticides; prescribing the powers and duties of the commissioner of agriculture in relation thereto; eliminating regulatory powers of the Minnesota pollution control agency under certain circumstances; amending Minnesota Statutes 1976, Sections 17.712; 17.725, Subdivision 1; 18A.32, by adding a subdivision; and 116.07, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf, Hughes and Chenoweth introduced—

S. F. No. 1415: A bill for an act relating to Independent School District 625; providing for the severance pay of employees.

Referred to the Committee on Education.

Mr. Moe, for the Committee on Finance, introduced—

S. F. No. 1416: A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes, including appropriations for the departments of public welfare, vocational rehabilitation, corrections, corrections ombudsman, health, health related boards, and public assistance programs; and repealing Minnesota Statutes 1976, Section 261.233.

Under the rules of the Senate, laid over one day.

Mr. Menning introduced—

S. F. No. 1417: A bill for an act relating to Pipestone county; authorizing transfer of county nursing home equipment to certain private nursing homes in the county.

Referred to the Committee on Local Government.

Messrs. Pillsbury, Hughes, Schmitz, Milton and Keefe, J. introduced—

S. F. No. 1418: A bill for an act relating to bodies of water; allowing counties to exercise certain functions with approval of district; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Setzepfandt, Benedict, Wegener and Ueland, A. introduced—

S. F. No. 1419: A bill for an act relating to cities; providing for the biennial adjustment of dollar amounts in certain statutes affecting city government and other political subdivisions; amend-

ing Minnesota Statutes 1976, Sections 210A.22; 326.03, Subdivision 2; 340.11, Subdivisions 11 and 14; 340.119, Subdivision 3; 340.12; 412.691; 429.041, Subdivisions 1 and 2; 461.12; 471.345, Subdivisions 3, 4 and 5; 471.88, Subdivisions 5 and 8; and 475.60, Subdivision 2.

Referred to the Committee on Local Government.

Messrs. McCutcheon, Johnson, Dieterich and Olhoff introduced—

S. F. No. 1420: A bill for an act relating to taxation; changing the method of collecting the excise tax on liquor; appropriating money; amending Minnesota Statutes 1976, Section 340.485, Subdivision 1; and Chapter 340, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S. F. No. 1421: A bill for an act relating to education; creating a higher education consortium for southwestern Minnesota; appropriating money.

Referred to the Committee on Education.

Mr. Laufenburger introduced—

S. F. No. 1422: A bill for an act relating to unemployment compensation; providing for conformity with federal requirements; providing for agricultural and domestic service employees; defining independent contractors; altering covered employment; changing certain accounting periods; regulating employer's contributions; permitting joint employer accounts; providing for the noncharging of certain benefits; providing for extended benefits; providing for certain public employees; providing for release of certain information; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 10, 12 and 22, and by adding a subdivision; 268.05, Subdivision 5; 268.06, Subdivisions 1, 5, 21, 22, 25 and 28, and by adding subdivisions; 268.07, by adding a subdivision; 268.071, Subdivisions 1 and 6; 268.08, Subdivision 5, and by adding subdivisions; 268.09, Subdivision 1; 268.11, Subdivision 2; and 268.12, Subdivision 12; repealing Minnesota Statutes 1976, Section 268.08, Subdivision 5.

Referred to the Committee on Employment.

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 respectively requested:

S. F. No. 483: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain executive branch employees; limiting the ability of appointing authorities to fill certain unclassified positions; prohibiting salaries of employees of political subdivisions from exceeding the salary of the governor; prohibiting salaries of court referees from exceeding the salaries of judges; removing achievement awards; appropriating money; amending Minnesota Statutes 1976, Sections 3.099; 3.102; 3A.02, Subdivision 1; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.09, Subdivision 2a; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; 487.01, Subdivision 5; 487.02, Subdivision 1; 488A.021, Subdivision 8; and 488A.19, Subdivision 10; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; 43.069; 487.05 and 490.102, Subdivision 5.

Senate File No. 483 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1977

CALL OF THE SENATE

Mr. Gearty imposed a call of the Senate for the proceedings on S. F. No. 483. The following Senators answered to their names:

Anderson	Frederick	Knoll	Peterson	Stokowski
Ashbach	Gunderson	Laufenburger	Pillsbury	Strand
Benedict	Hanson	Lessard	Purfeerst	Stumpf
Bernhagen	Hughes	Menning	Schaaf	Ueland, A.
Brataas	Humphrey	Moe	Schmitz	Ulland, J.
Chmielewski	Jensen	Nelson	Schrom	Vega
Coleman	Johnson	Nichols	Setzepfandt	Wegener
Davies	Keefe, J.	Ogdahl	Sieloff	
Dieterich	Keefe, S.	Olhoff	Sillers	
Dunn	Kirchner	Penny	Solon	
Engler	Kleinbaum	Perpich	Staples	

The Sergeant at Arms was instructed to bring in the absent members.

CONCURRENCE AND REPASSAGE

Mr. Gearty moved that the Senate concur in the amendments by the House to S. F. No. 483 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 483: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain executive branch employees; limiting the ability of appointing authorities to fill certain unclassified positions; prohibiting salaries of employees of political subdivisions from exceeding the salary of the commissioner of finance; prohibiting salaries of court referees and hearing examiners from exceeding the salaries of judges; appropriating money; amending Minnesota Statutes 1976, Sections

3.099; 3.102; 3A.02, Subdivision 1; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.069; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; 487.01, Subdivision 5; 487.02, Subdivision 1; 488A.021, Subdivision 8; and 488A.19, Subdivision 10; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; 487.05; 490.102, Subdivision 5; and 526.18.

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 41 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Luther	Perpich	Staples
Benedict	Humphrey	McCutcheon	Peterson	Stokowski
Borden	Johnson	Menning	Purfeerst	Stumpf
Chenoweth	Keefe, S.	Merriam	Schaaf	Vega
Coleman	Kleinbaum	Milton	Schmitz	Willet
Davies	Knoll	Moe	Sieloff	
Dieterich	Laufenburger	Nelson	Sikorski	
Gearty	Lessard	Ogdahl	Solon	
Hanson	Lewis	Olson	Spear	

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Penny	Sillers
Bang	Engler	Kirchner	Pillsbury	Strand
Bernhagen	Frederick	Knutson	Renneke	Ueland, A.
Brataas	Gunderson	Nichols	Schrom	Ulland, J.
Chmielewski	Jensen	Olhoff	Setzepfandt	Wegener

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectively requested.

S. F. No. 170: A bill for an act relating to political subdivisions; regulating certain interests in contracts by public officials; amending Minnesota Statutes 1976, Section 471.88, Subdivisions 2, 5, and 8.

Senate File No. 170 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1977

CONCURRENCE AND REPASSAGE

Mr. Olhoff moved that the Senate concur in the amendments by the House to S. F. No. 170 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 170 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 44 and nays 11, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Knutson	Olhoft	Schmitz
Bang	Gunderson	Lessard	Olson	Setzepfandt
Bernhagen	Hanson	Lewis	Penny	Sieloff
Chenoweth	Hughes	McCutcheon	Perpich	Staples
Chmielewski	Humphrey	Menning	Peterson	Strand
Davies	Jensen	Milton	Pillsbury	Ueland, A.
Dunn	Keefe, J.	Moe	Purfeerst	Vega
Engler	Kirchner	Nelson	Renneke	Wegener
Frederick	Kleinbaum	Ogdahl	Schaaf	

Those who voted in the negative were:

Benedict	Keefe, S.	Luther	Sillers	Stumpf
Dieterich	Laufenburger	Merriam	Spear	Ulland, J.
Johnson				

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 324, 542, 946, 947, 145, 557, 818 and 979.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 7, 61 and 1107.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1977

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. 226, A bill for an act relating to minimum wage; providing a higher minimum wage; amending Minnesota Statutes 1976, Section 177.24.

There has been appointed as such committee on the part of the House:

Faricy, Enebo and Zubay.

Senate File No. 226 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 20, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 324: A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 395 now on General Orders.

H. F. No. 542: A bill for an act relating to the city of Saint Paul; establishing a public housing agency; transferring functions from housing and redevelopment authority.

Referred to the Committee on Local Government.

H. F. No. 946: A bill for an act relating to the trunk highway system; adding a new route in substitution of an existing route.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 612 now on General Orders.

H. F. No. 947: A bill for an act relating to railroads; allowing reduced rates for transportation of waste material for reprocessing; amending Minnesota Statutes 1976, Section 218.021, Subdivision 2.

Referred to the Committee on Commerce.

H. F. No. 145: A bill for an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

Referred to the Committee on Local Government.

H. F. No. 557: A bill for an act relating to highways; requiring reimbursement of fire fighting and protection expenses in certain instances.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 20 now on the Calendar.

H. F. No. 818: A bill for an act relating to highway traffic regulations; implements of husbandry; restricting the speed of certain

implements of husbandry on the highways; providing a penalty; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

Referred to the Committee on Transportation.

H. F. No. 979: A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in St. Louis county.

Referred to the Committee on Local Government.

H. F. No. 7: A bill for an act relating to labor relations; providing for successor clauses in collective bargaining agreements; requiring successor employers to assume certain obligations; requiring notice of collective bargaining agreements to successor employers; requiring notice of successor transactions to exclusive representatives; allowing successor transactions in violation of a collective bargaining agreement to be enjoined; amending Minnesota Statutes 1976, Chapter 179, by adding a section.

Referred to the Committee on Employment.

H. F. No. 61: A bill for an act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician's trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil liability for paramedics and physicians advising or instructing paramedics.

Referred to the Committee on Local Government.

H. F. No. 1107: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Itasca county; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 143: A bill for an act relating to crimes and criminals; prohibiting certain acts against railroad employees and others, and railroad property; prescribing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike "AND" and insert "."

Page 1, line 12, strike "OTHERS.}" and insert:

“(1) Whoever throws or deposits any type of debris or waste material on any railroad track or whoever causes damage or causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, with intention to cause injury, accident or derailment, is guilty of a felony.”

Page 1, line 12, strike “(1)” and insert “(2)”

Page 1, line 13, strike “or along”

Page 1, line 14, strike “or right-of-way”

Page 1, line 16, after “tunnel” insert a comma

Page 1, line 17, strike the first “or”

Page 1, line 17, strike “any railroad property” and insert “moving equipment”

Page 1, line 18, strike “could cause” and insert “creates a reasonably foreseeable risk of”

Page 1, line 19, strike “shall be” and insert “is”

Page 1, line 19, strike “felony” and insert “gross misdemeanor”

Page 1, line 20, strike “(2)” and insert “(3)”

Page 1, line 21, strike “other” and insert “moving”

Page 1, line 22, strike “railroad”

Page 1, line 22, strike “shall be” and insert “so as to endanger the safety of another is”

Page 1, line 22, strike “felony” and insert “gross misdemeanor”

Page 1, line 23, strike “(3)” and insert “(4)”

Page 2, line 2, strike “other raliroad” and insert “moving”

Page 2, line 2, strike “shall be” and insert “so as to endanger the safety of another is”

Amend the title as follows:

Page 1, line 3, strike “and”

Page 1, line 4, strike “others,”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 836: A bill for an act relating to safe deposit companies; including credit unions among those businesses that may rent out safe deposit boxes without license or bond therefor; amending Minnesota Statutes 1976, Section 55.06, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1976, Section 52.04, is amended to read:

52.04 [POWERS.] A credit union shall have the following powers:

(1) To receive the savings of its members either as payment on shares or as deposits, including the right to conduct Christmas clubs, vacation clubs, and other such thrift organizations within its membership;

(2) To make loans to members for provident or productive purposes as provided in section 52.16;

(3) To make loans to a cooperative society or other organization having membership in the credit union;

(4) To deposit in state and national banks and trust companies authorized to receive deposits;

(5) To invest in any investment legal for savings banks or for trust funds in the state;

(6) To borrow money as hereinafter indicated;

(7) To adopt and use a common seal and alter the same at pleasure; and

(8) To make payments on shares of and deposit with any other credit union chartered by this or any other state or operating under the provisions of the federal credit union act, in amounts not exceeding in the aggregate 25 percent of its unimpaired assets providing that payments on shares of and deposit with credit unions chartered by other states shall be restricted to credit unions insured by the National Credit Union Administration. The restrictions imposed by this clause shall not apply to share accounts and deposit accounts of Minnesota central credit union in U.S. central credit union;

(9) To contract with any licensed insurance company or society to insure the lives of members to the extent of their share accounts, in whole or in part, and to pay all or a portion of the premium therefor;

(10) To indemnify each director, officer, or committee member, or former director, officer, or committee member against all expenses, including attorney's fees but excluding amounts paid pursuant to a judgment or settlement agreement, reasonably incurred by him in connection with or arising out of any action, suit, or proceeding to which he is a party by reason of being or having been a director, officer, or committee member of the credit union, except with respect to matters as to which he shall be finally adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of his duties. Such indemnification shall not be exclusive of any other rights to which he may be entitled under any bylaw, agreement, vote of members, or otherwise; and

(11) Upon written authorization from a member, retained at the credit union, to make payments to third parties by withdrawals from the member's share or deposit accounts or through proceeds of loans made to such member, or by permitting the credit union to make such payments from the member's funds prior to deposit; to permit draft withdrawals from member accounts; however, this clause does not permit a credit union to establish demand deposits (checking accounts) for its members;

(12) To inform its members as to the availability of various group purchasing plans which are related to the promotion of thrift or the borrowing of money for provident and productive purposes by means of informational materials placed in the credit union's office, through its publications, or by direct mailings to members by the credit union;

(13) To facilitate its members' voluntary purchase of types of insurance incidental to promotion of thrift or the borrowing of money for provident and productive purposes including, but not limited to the following types of group or individual insurance: Fire, theft, automobile, life and temporary disability; to be the policy holder of a group insurance plan or a sub-group under a master policy plan and to disseminate information to its members concerning the insurance provided thereunder; to remit premiums to an insurer or the holder of a master policy on behalf of a credit union member, provided that the credit union shall obtain written authorization from such member for remittance by share or deposit withdrawals or through proceeds of loans made by such members, or by permitting the credit union to make such payments from the member's funds prior to deposit; and to accept from the insurer reimbursement for the actual cost of ministerial tasks performed pertaining to insurance;

(14) In furtherance of the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of the specific powers hereinbefore conferred, to have all the powers enumerated, authorized, and permitted by this chapter, and such other rights, privileges and powers as may be incidental to, or necessary for, the accomplishment of the objectives and purposes of the credit union; ; and

(15) *To rent safe deposit boxes to its members provided the credit union obtains adequate insurance or bonding coverage for losses which might result from the rental of safe deposit boxes.*"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 5, after the comma insert "Sections 52.04; and"

Page 1, line 6, strike "Section"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 678: A bill for an act relating to savings banks; allowing savings banks to establish negotiable order of withdrawal accounts; amending Minnesota Statutes 1976, Chapter 50, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "such accounts shall be" and insert "the accounts are"

Page 1, line 18, strike "such" and insert "the"

Page 1, line 21, after the period insert:

"A savings bank shall always keep a reserve of at least seven percent of its non-interest or non-dividend bearing negotiable order of withdrawal accounts, which shall be in cash, cash items in process of collection, balances due on demand from solvent banks in the United States, and not more than thirty percent in direct obligations of the United States Treasury which mature within one year from the date the obligations are first considered as a part of the bank's reserve. If on any one day a savings bank shall fail to meet the reserve requirements of this section then that bank shall pay a fine of \$50 per day to the commissioner of banks on his making a request for payment. Whenever the commissioner of banks shall determine that the maintenance of sound banking practices or the prevention of injurious credit expansion or contraction makes action advisable, he may by directive change the requirements as to reserves against non-interest or non-dividend bearing negotiable order of withdrawal accounts in savings banks. The reserve requirements established in any such directive shall not be less than seven percent, nor more than those required of member banks of the Federal Reserve System on the date that the directive is issued by the commissioner unless these reserve requirements are less than seven percent."

Amend the title as follows:

Page 1, line 4, before the semicolon insert "; imposing reserve requirements"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

H. F. No. 380: A bill for an act relating to bicycles; registration; administration of the bicycle registration law; including unicycles within the definition of bicycle; clarifying provisions relating to bicycle registration; providing for the disposition of certain service fees charged in handling registrations; extending the time for the report of the commissioner of public safety to the legislature on recommendations for mandatory registration of bicycles; amending

Minnesota Statutes 1976, Sections 168C.02, Subdivision 2; 168C.-03; 168C.07; 168C.10; 168C.11, Subdivisions 1 and 2; 168C.12; 168C.13, Subdivision 1; and Laws 1976, Chapter 199, Section 14, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, strike section 4 in its entirety

Page 3, line 22, after "any" insert "*agent or employee designated by a*"

Page 4, line 4, strike "*such*" and insert "*the*"

Page 4, line 19, strike "or regulation"

Page 4, line 21, strike "subject"

Page 5, line 7, strike "and regulations"

Page 5, line 19 before the period insert "*except as a deputy registrar pursuant to section 168C.11, subdivision 1*"

Page 5, strike section 9 in its entirety and insert:

"Sec. 8. Before January 15, 1978, the commissioner of public safety shall study and report to the legislature its recommendations for the mandatory registration of all bicycles operated in the state."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, strike "extending the time for the" and insert "requiring a"

Page 1, line 13, strike "168C.10;"

Page 1, line 14, after "168C.12;" insert "and"

Page 1, line 14, strike "; and Laws" and insert a period

Page 1, strike line 15

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was re-referred

S. F. No. 494: A bill for an act relating to waters; authorizing conveyance of a dam easement and empowering the town of Hines in Beltrami county to maintain and operate a dam.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, strike "shall" and insert "may acquire by gift or purchase and may operate any existing dam or control works that may affect the level of waters situated wholly or partly within the boundaries of the town."

Page 1, strike lines 18 to 21, and insert "The electors of the town of Hines may levy taxes for the maintenance and operation of any dam conveyed pursuant to section 1 subject to the limitations specified in section 275.10."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1106: A bill for an act relating to solid waste disposal; authorizing counties to prohibit transportation of solid waste to other counties for disposal; authorizing counties to designate disposal sites for solid waste generated within their boundaries; amending Minnesota Statutes 1976, Section 400.04, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "*within*"

Page 1, line 16, strike "*the county*"

Page 1, line 16, before the period, insert "*, provided that the county board has developed and approved by resolution a solid waste program which includes criteria for the selection of solid waste facilities to be used by the county*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 905: A bill for an act relating to the city of Mora; authorizing the issuance of electric revenue refunding bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "*the favorable*"

Page 1, line 14, strike "*vote of*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener, from the Committee on Local Government, to which was referred

S. F. No. 1125: A bill for an act relating to solid waste; establishing a solid waste management board in the counties of Fairbault, Jackson, Martin and Watowan; prescribing its powers and duties; authorizing a solid waste disposal and resource recovery facility in the city of Fairmont; granting the city certain solid waste management powers; extending certain grants-in-aid for

solid waste management purposes; establishing a solid waste resource recovery loan account; providing for state loans to finance construction of solid waste resource recovery facilities; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "Fairmont" insert "regional"

Page 1, line 25, strike "Watowan" and insert "Watowan"

Page 2, line 2, strike "means garbage, refuse and other" and insert "shall have the meaning given in Minnesota Statutes, Chapter 116.06, Subdivision 10."

Page 2, strike lines 3 through 12

Page 2, line 29, after "FAIRMONT" insert "REGIONAL"

Page 2, line 30, after "A" insert "regional"

Page 8, line 23, strike "as often as" and insert "whenever"

Page 10, line 14, strike "free from" and insert "subject to"

Page 10, line 27, strike "free from" and insert "subject to"

Page 11, line 15, strike "free from" and insert "subject to"

Page 15, line 1, after "districts" insert "in accordance with rules established by the agency"

Page 15, line 10, strike "deficiency" and insert "deficiency"

Amend the title as follows:

Page 1, line 2, after "a" insert "regional"

Page 1, line 4, strike "Watowan" and insert "Watowan"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 975: A bill for an act relating to counties; authorizing appointment of county administrators without referendum; amending Minnesota Statutes 1976, Section 375A.06, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 13, insert:

"Sec. 2. Minnesota Statutes 1976, Section 375.48, Subdivision 1, is amended to read:

375.48 [EXECUTIVE SECRETARY; APPOINTMENT; QUALIFICATIONS.] Subdivision 1. *Notwithstanding the provisions of sections 375A.01 and 375A.12*, the board of county com-

missioners of any county may appoint and employ an executive secretary upon such terms and conditions as it deems advisable and is authorized to appropriate funds and provide suitable office space for such office. The county board shall set the salary of the secretary. He shall be chosen solely on the basis of his training, experience and administrative qualifications and need not be a resident of the county at the time of his appointment. The executive secretary serves at the pleasure of the board and his employment may be terminated by the board without notice. The county board may provide for a termination allowance."

Amend the title as follows:

Page 1, line 3, after "administrators" insert "and executive secretaries"

Page 1, line 4, strike "Section" and insert "Sections 375.48, Subdivision 1; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 117: A bill for an act relating to the firemen's relief association of the city of Albertville, computation of years of service for volunteer firemen.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 899: A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; providing an annual cost settlement; appropriating money; amending Minnesota Statutes 1976, Sections 144A.05; 144A.10, Subdivisions 2 and 5; 256B.27, by adding a subdivision; 256B.44, Subdivision 3; 256B.45; 256B.47, Subdivision 1; and Chapter 256B, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, strike "during"

Page 2, line 24, strike "the remainder of its license year"

Page 3, line 16, strike "*in the license year following the year in*" and insert "*any other inspection*"

Page 3, line 17, strike "*which the correction order was issued*"

Page 3, after line 24, insert:

"Sec. 4. Minnesota Statutes 1976, Section 144A.61, Subdivision 6, is amended to read:

Subd. 6. [TRAINING PROGRAM.] Each nursing assistant hired to work in a nursing home on or after ~~July~~ *January 1, 1977 1979*, shall have successfully completed an approved nursing assistant training program or shall be enrolled in the first available approved training program which is scheduled to commence within 60 days of the date of the assistant's employment. Approved training programs shall be offered at the location most reasonably accessible to the enrollees in each class.

Sec. 5. Minnesota Statutes 1976, Chapter 144A, is amended by adding a section to read:

[144A.612] [STATE BOARD OF HEALTH; NURSING ASSISTANT TRAINING; REPORT TO LEGISLATURE.] *The state board of health shall on or before January 15, 1978, report to the legislature with its recommendations for the appropriate type of training for nursing assistants, the appropriate type or types of institutions which should offer the training programs, the method or methods to be used in funding the training programs, and the appropriate state agency to regulate the training programs."*

Page 3, after line 29, insert:

"Sec. 7. Minnesota Statutes 1976, Section 256B.43, is amended by adding subdivisions to read:

Subd. 5. Depreciation shall be allowed for all governmentally owned nursing homes regardless of the source of funds used to construct or expand the facility. The provisions of this subdivision shall apply to all cost reports submitted on or after November 1, 1972.

Subd. 6. The state agency shall by rule establish a separate depreciation allowance for land improvements, equipment and vehicles.

Sec. 8. Minnesota Statutes 1976, Section 256B.44, Subdivision 2, is amended to read:

Subd. 2. After the first three years that a nonproprietary or governmentally owned nursing home has been owned by its current owners, the state agency shall not recognize as an allowable cost the expense of interest on net debt for any indebtedness and loans which exceed 100 percent of the net asset value of the facility.

The provisions of this subdivision shall not apply to the payment of interest on indebtedness finally incurred prior to April 13, 1976, if the interest is otherwise allowable."

Page 4, line 9, after "256B.45," insert "Subdivision 1,"

Page 4, line 19, strike "1977" and insert "1978"

Pages 4 and 5, delete Subdivisions 2 and 3 from the bill and insert:

"For each successive year in which there is no transfer of ownership of a nursing home, the investment allowance shall be increased by one percent of the original investment allowance, but the increases shall be limited to a maximum of 25 percent of the original investment allowance."

Page 5, after line 14, insert:

"Sec. 11. Minnesota Statutes 1976, Section 256B.45, Subdivision 4, is amended to read:"

Page 5, line 15, strike "3" and reinstate "4"

Page 5, line 28, reinstate the stricken language

Page 5, line 29, reinstate the stricken language

Page 5, line 30, reinstate the stricken language and insert before the period *"which do not directly relate to the provision of patient care"*

Page 6, strike sections 8 and 9 and insert:

"Sec. 13. Minnesota Statutes 1976, Section 256B.47, Subdivision 2, is amended to read:

Subd. 2. The following costs shall not be recognized as allowable to the extent that these costs cannot be demonstrated by the nursing home to the state agency to be directly related to the provision of patient care: (1) ~~political contributions;~~ (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities; (3) (2) advertising designed to encourage potential residents to select a particular nursing home; (4) (3) assessments levied by the health department for uncorrected violations; (5) (4) legal fees for unsuccessful challenges to decisions by state agencies; and (6) (5) dues paid to a nursing home or hospital association. *The state agency shall promulgate rules establishing standards which shall distinguish between any patient-care related components and non-patient-care related components of these costs, where applicable. For purposes of these rules, the state agency shall exercise emergency powers and establish emergency rules pursuant to section 15.0412, subdivision 5, before September 1, 1977. The state agency shall by rule exclude the costs of any other items which it determines are not directly related to the provision of patient care.*

Sec. 14. Minnesota Statutes 1976, Section 256B.48, Subdivision 1, is amended to read:

256B.48 [CONDITIONS FOR PARTICIPATION.] Subdivision 1. No nursing home shall be eligible to receive medical assistance payments unless it agrees in writing that it will refrain from:

(a) Charging nonmedical assistance residents rates for similar services which exceed by more than ten percent those rates which are approved by the state agency for medical assistance recipients; . *For nursing homes charging non-medical assistance residents rates less than ten percent more than those rates which*

are approved by the state agency for medical assistance recipients, the maximum differential in rates between non-medical assistance residents and medical assistance recipients shall not exceed the average differential which was in effect during the calendar year preceding April 13, 1976. If a nursing home has exceeded this differential since April 13, 1976, it shall return the amount collected in excess of the allowable differential stated by this subdivision to the non-medical assistant resident, or that person's representative, by July 1, 1977. Effective July 1, 1978, no nursing home shall be eligible for medical assistance if it charges nonmedical assistance recipients rates for similar services which exceed those which are approved by the state agency for medical assistance recipients; . Provided, however, that the a nursing home may (1) charge nonmedical assistance residents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance patients are charged separately at the same rate for the same services in addition to the daily rate paid by the state agency;

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay an admission fee in excess of \$100, loan any money to the nursing home, or promise to leave all or part of the applicant's estate to the home; and

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home.

The prohibitions set forth in clause (b) shall not apply to a nonproprietary retirement home with more than 325 beds including at least 150 licensed nursing home beds and which contains an identifiable unit of fewer than 20 percent of the total number of facility beds to provide nursing care to the residents of the home :

(1) is owned and operated by an organization tax-exempt under section 290.05, subdivision 1, clause (i); and

(2) at the time of admission places all of the applicant's assets which are required to be assigned to the home in a trust account from which only expenses for the cost of care of the applicant may be deducted; and

(3) agrees in writing at the time of admission to the home to permit the applicant, or his guardian, or conservator, to examine the records relating to the individual's trust account upon request, and to receive an audited statement of the expenditures from his individual account upon request; and

(4) agrees in writing at the time of admission to the home to permit the applicant to withdraw from the home at any time and to receive, upon withdrawal, all of the unexpended funds remaining in his individual trust account; and

(5) was in compliance with provisions (1) through (4) as of June 30, 1976 .

Sec. 15. [REPEALER.] Minnesota Statutes 1976, Section 256B.45, Subdivisions 2 and 3, are hereby repealed.

Sec. 16. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 7, strike "an annual cost settlement" and insert "depreciation allowances; providing for reimbursable expenses; providing for a study on nursing assistant training"

Page 1, line 8, strike "appropriating money;"

Page 1, line 10, after "5;" insert "144A.61, Subdivision 6;"

Page 1, line 10, after "subdivision;" insert "256B.43, by adding subdivisions;"

Page 1, line 11, strike "Subdivision 3" and insert "Subdivisions 2 and 3"

Page 1, line 11, after "256B.45" insert ", Subdivisions 1 and 4"

Page 1, line 11, strike "Subdivision 1" and insert "Subdivisions 1 and 2; 256B.48, Subdivision 1; and Chapter 144A, by adding a section; repealing Minnesota Statutes 1976, Section 256B.45, Subdivisions 2 and 3."

Page 1, strike line 12

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1138: A bill for an act relating to probate; changing requirements for collection of personalty by affidavit; amending Minnesota Statutes 1976, Section 524.3-1201.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after "presented" insert "*a certified death certificate of the decedent and*"

Page 2, line 2, strike the new language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 971: A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "*specified acts performable*" and insert "*acts specified in this chapter to be performed*"

Page 1, line 21, strike "*exemplified by the registrar or*" and insert "*exemplified*"

Page 1, line 22, after the period insert "*All files shall be maintained by the clerk of court.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 967: A bill for an act relating to probate; guardianships and conservatorships; providing for resignations and removals of guardians; providing for joinder of sureties in final account hearings; amending Minnesota Statutes 1976, Section 525.582.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, after "*If*" insert a comma

Page 2, line 6, strike the first comma

Page 2, line 11, strike "*, which*" and insert "*. The judgment*"

Page 2, line 11, after "*filed*" insert "*, docketed*"

Page 2, line 12, strike "*docketed like*" and insert "*enforced in the same manner as*"

Page 2, line 12, strike "*and*"

Page 2, line 13, strike "*enforced in the same manner*"

Page 2, line 20, strike "*incapable*" and insert "*incapacitated*"

Page 2, line 22, after the second "*court*" insert "*upon petition or the courts' own motion*"

Page 2, line 22, after "*him*" strike "*upon*" and insert "*after*"

Page 2, line 22, after "*notice*" strike "*, upon*"

Page 2, strike line 23 except the period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 968: A bill for an act relating to probate; decrees of descent; changing the requirements for the notice of hearing on a petition for a decree of descent; amending Minnesota Statutes 1976, Section 525.312.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "524.3-403" and restore the stricken language

Page 1, line 13, after the period insert: "*Notice of the hearing, in the form prescribed by court rule, shall also be given under direction of the clerk of court by publication once a week for two consecutive weeks in a legal newspaper in the county where the hearing is to be held, the last publication of which is to be at least ten days before the time set for hearing.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 970: A bill for an act relating to probate; personal representatives; providing for appointment of successor representatives; amending Minnesota Statutes 1976, Section 524.3-613.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike "*With or without notice*" and insert "*Upon notice, if any, as the court or registrar shall require*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1175: A bill for an act relating to taxation; exempting probate deeds of distribution from conveyance recording requirements; amending Minnesota Statutes 1976, Section 272.12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was re-referred

S. F. No. 202: A bill for an act relating to state government; creating a department of economic security; transferring powers; abolishing the departments of employment services and vocational rehabilitation; appropriating money; amending Minnesota Statutes 1976, Sections 15.01; 15A.081, Subdivision 1; 15.0411, Subdivision 2; 43.09, Subdivision 2a; 62E.52, Subdivision 7; 129A.01; 144.656; 144A.611, Subdivision 3; 144A.10, Subdivision 8; 145.895; 245.75; 245.76; 245.765, Subdivision 1; 245.77; 256.01, Subdivision 2; 256.011; 256.045; 256.462, Subdivision 3; 256.482, Subdivision 1; 256.73, Subdivision 2; 256.736, Subdivisions 2, 3, 4, 5 and 7; 256.75; 256.863; 256.871, Subdivision 7; 256.88; 256.89; 256.90; 256.91; 256.92; 256.965; 256.978; 256B.02, Subdivision 5; 256B.041, Subdivision 6; 256B.064, Subdivision 2; 256B.26; 256B.27; 256B.30; 256B.35, Subdivision 2; 256D.01, Subdivisions 1 and 2; 256D.02, Subdivisions 2, 3, 4 and 11; 256D.11, Subdivisions 1, 2, 6, 7 and

9; 256D.22; 256D.35, Subdivisions 1, 5 and 6; 256D.39; 256D.41; 261.003; 261.232; 261.25; 268.04, Subdivision 8; and Laws 1976, Chapter 332, Section 9, Subdivisions 1, 7 and 8; repealing Minnesota Statutes 1976, Sections 129A.02, Subdivision 1; 256.01, Subdivisions 3 and 4; 256.12, Subdivisions 10, 14 and 15; and 256.73, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 21, insert:

“Subd. 5. [GOVERNOR’S MANPOWER OFFICE.] All powers, duties, and functions heretofore vested in or imposed upon the governor’s manpower office pursuant to executive order of the governor are transferred to, vested in and imposed upon the commissioner of economic security.”

Page 5, strike Subd. 5 and insert:

“Subd. 5. Except as otherwise provided in this act, all classified employees and their positions assigned by a department or agency to perform any of the functions, powers or duties which are transferred by this act to the department of economic security, are transferred to the department of economic security. The positions of all employees who are employed in the unclassified civil service by a department or agency to perform any of the functions, powers or duties which are transferred by this act to the department of economic security, with the exception of those unclassified positions established pursuant to the provisions of sections 43.05, subdivision 2, clause (11) and 43.09, subdivision 2, clause (9), are abolished. Any employee in the unclassified civil service whose position is abolished by this act and who is not appointed to an unclassified position authorized by this act may be otherwise continued in the unclassified civil service in the department of economic security, but for a period not to exceed 12 months from the date on which the department commences operation. Such positions shall be authorized pursuant to the provisions of section 43.05, subdivision 2, clause (11). Nothing herein shall be construed as abrogating or modifying any rights now enjoyed by affected employees under terms of an agreement between an exclusive bargaining representative and the state or one of its appointing authorities.”

Page 5, strike Subd. 6 and insert:

“Subd. 6. If the programs of the Federal Comprehensive Employment and Training Act, the Federal Economic Opportunity Act and the Federal Community Services Act are transferred to the department of economic security, state employees involved in administration and implementation of these programs in the unclassified civil service of the state, except for the positions of executive director and deputy director of the programs, shall be transferred to the classified civil service of the state without competitive examination and shall be placed in the proper classification by the commissioner of personnel with compensation as the classifications carry. Incumbents of positions placed in the

classified civil service shall receive status and length of service credit as would have accrued to them had they originally been appointed to the classified civil service; however length of service credit shall not include seniority under the provisions of a collective bargaining agreement negotiated pursuant to sections 179.61 to 179.77, until effective date of classified civil service. Annual leave and sick leave shall be transferred and accrued in accordance with the provisions of section 43.222."

Page 23, line 14, strike "shall"

Page 23, line 15, after "(1)" insert "Shall"

Page 23, line 25, after "(3)" insert "Shall"

Page 23, line 28, after "(4)" insert "Shall"

Page 23, line 32, after "(5)" insert "Shall"

Page 24, line 15, after "(7)" insert "Shall"

Page 24, line 18, after "(8)" insert "Shall"

Page 25, line 1, before "Establish" insert "The commissioner shall"

Page 57, line 1, strike "356D.40" and insert "256D.39"

Page 58, after line 17 insert:

"Sec. 72. Minnesota Statutes 1976, Chapter 268, is amended by adding a section to read:

[268.027] [MANPOWER SERVICES.] *The commissioner of economic security shall prepare the fiscal year "balance of the state" comprehensive manpower plan, develop statewide manpower policy, coordinate manpower related state agency plans and services with prime sponsors, and be solely responsible for administering provisions of the comprehensive employment and training act of 1973, Public Law 93-203."*

Page 59, line 23, after the period insert "In no instance shall such notification be later than three months from the date of appointment of the commissioner of economic security."

Page 59, strike lines 24 through 32 and insert:

"Subd. 3. *Within six months after commencement of the departmental operations the commissioner of economic security shall submit a plan to the governor and the legislature. The plan shall be the guide for the organization and management of the department. The plan shall provide for, but not be limited to:*

(a) *Development of a single departmental process for addressing policy issues and budgets;*

(b) *Integrating administrative activities, procedures and reporting requirements of department programs;*

(c) *Reducing administrative costs and unnecessary administrative staff by 5 percent within two years;*

(d) *Development of a process for consumer input into the department;*

(e) *Establishment of a unified local delivery system for state administered department programs;*

(f) *Integrating programs for job training, development and placement services;*

(g) *Integrating and simplifying client intake and eligibility processes; and*

(h) *Standardization of administrative boundaries. Each element of the plan shall include a target date for implementation. During the first three years of departmental operation the commissioner of economic security shall, on a semi-annual basis, report on the progress made in implementing the plan to the governor and the legislature. The report shall also compare current and historical productivity measurements."*

Page 60, strike lines 1 and 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 24, after "8;" insert "Chapter 268, by adding a section;"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1131: A bill for an act relating to metropolitan airports; authorizing reimbursement to commission members; clarifying its organization and authority; granting emergency authority to expend funds; amending Minnesota Statutes 1976, Sections 473.605, Subdivisions 1 and 2; 473.606, Subdivisions 1 and 4; 473.608, Subdivisions 1, 15 and 17; 473.611, Subdivision 5; 473.621, Subdivisions 2 and 4; 473.641, Subdivision 2; 473.652; repealing Minnesota Statutes 1976, Sections 473.611, Subdivisions 1, 2, 3 and 4; and 473.621, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, strike "such"

Page 2, line 11, after "as" insert "*determined by*"

Page 2, line 11, strike "shall determine"

Page 2, line 24, strike "such"

Page 2, line 24, strike "may be fixed" and insert "*determined*"

Page 3, line 1, strike "such"

Page 3, line 1, strike "may be"

Page 3, line 2, strike "fixed" and insert "*determined*"

Page 3, line 7, strike "such"

Page 3, line 7, strike "as"

Page 3, line 8, strike "may be"

Page 3, line 8, strike "such" and insert "*the*"

Page 3, line 9, strike "as are"

Page 3, line 10, strike "such others as may be" and insert "*those other powers*"

Page 3, line 11, strike "without" and insert "*shall not have*"

Page 3, line 14, before "meeting" insert "*a*"

Page 8, line 29, strike "*convenience and safety*" and insert "*safety and convenience*"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1196: A bill for an act relating to aeronautics; providing for joint interstate airports; amending Minnesota Statutes 1976, Section 360.042, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 10 to 18 and insert "*Any airport located outside this state shall be treated under this chapter as an airport located within this state if that airport is acquired, constructed, operated or maintained pursuant to a joint agreement between a municipality in this state and an adjoining state or municipality therein.*"

Amend the title as follows:

Page 1, line 2, strike "providing for joint"

Page 1, line 3, strike "interstate airports" and insert "requiring out of state airports operating under joint agreement with a Minnesota municipality to be treated as airports located in Minnesota for purposes of state and federal assistance"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1096: A bill for an act relating to highway traffic regulations; required equipment on certain vehicles; exempting military

vehicles of the United States from wheel flap requirements; amending Minnesota Statutes 1976, Section 169.733.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 1034: A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, strike "Subdivision 1."

Page 1, strike lines 20 through 22

Page 2, strike lines 1 and 2

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 521: A bill for an act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "*in distress by reason of motor*"

Page 1, strike line 16 and insert "*who signals for assistance by raising the hood of the vehicle or displaying a flag, flare or similar signal*"

Page 2, after line 6, insert:

"This section does not apply to any person who stops or parks a vehicle next to an unattended vehicle."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 1208: A bill for an act relating to elections; providing that polling places be accessible to the elderly and physically handicapped; amending Minnesota Statutes 1976, Section 204A.09, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, strike "At" and insert "In"

Page 2, line 1, strike "Each council" and insert "A governing body"

Page 2, line 1, strike "only"

Page 2, line 1, strike the comma and insert "only those"

Page 2, line 3, strike "council" and insert "governing body"

Page 2, line 4, strike the colon

Page 2, line 5, strike "(i) No acceptable or accessible" and insert "no available"

Page 2, line 5, strike "exists"

Page 2, line 6, strike the semicolon and insert "can be made accessible."

Page 2, strike lines 7 to 12 and insert:

"Sec. 2. Minnesota Statutes 1976, Section 204A.34, Subdivision 2, is amended to read:

Subd. 2. [DISABLED VOTER, ASSISTANCE.] *Any person who is unable to enter a polling place except by reason of intoxication may register and vote without leaving his vehicle. Two judges, who are not members of the same political party, shall likewise assist a voter who is at the entry of the polling place but who is unable to enter the polling place to register and to complete a voter's certificate, and shall provide him with the necessary ballots. The voter may request additional assistance in marking his ballots as provided in subdivision 1. because of physical disability; provided, however, that for the purpose of this section, intoxication is not physical disability, and A person who is intoxicated may not vote.*"

Sec. 3. [REPEALER.] *Minnesota Statutes 1976, Section 204A.11, Subdivision 4, is repealed.*"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing assistance to voters unable to enter the polling place;"

Page 1, line 5, strike "Section" and insert "Sections"

Page 1, line 5, before the period insert " ; and 204A.34, Subdivision 2; repealing Minnesota Statutes 1976, Section 204A.11, Subdivision 4 "

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Gearty from the Committee on Elections, to which was referred

S. F. No. 1310: A bill for an act relating to elections; prohibiting infiltration and sabotage of political campaigns; providing

penalties; amending Minnesota Statutes 1976, Chapter 210A, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "*gross*"

Page 1, line 11, strike "*to seek*" and insert "*, with intent*"

Page 1, line 12, strike "*by falsely posing*" and insert "*, to pose falsely*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1014: A bill for an act relating to courts; providing for uniform conciliation court forms.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 487.23, is amended by adding a subdivision to read:

Subd. 1a. [CONCILIATION COURT FORMS.] The supreme court shall prescribe by rule forms for use in all the conciliation courts of the state. The forms prescribed shall be uniform so that forms supplied by one conciliation court may be used in any other conciliation court of the state.

Sec. 2. Minnesota Statutes 1976, Section 487.30, is amended by adding a subdivision to read:

Subd. 1a. A complaint or counterclaim in the uniform form prescribed by the supreme court pursuant to section 487.23 shall be accepted by any conciliation court clerk and shall be forwarded together with the entire filing fee, if any, to the clerk of the appropriate conciliation court.

Every conciliation court shall accept a uniform complaint or counterclaim which has been properly completed and which has been properly forwarded to the court by another conciliation court.

Sec. 3. Minnesota Statutes 1976, Section 488A.14, is amended by adding a subdivision to read:

Subd. 3a. A complaint or counterclaim in the uniform form prescribed by the supreme court pursuant to section 487.23 shall be accepted by the clerk of conciliation court and shall be forwarded together with the entire filing fee, if any, to the clerk of the appropriate conciliation court.

The conciliation court shall accept a uniform complaint or counterclaim which has been properly completed and which has been properly forwarded to the court by another conciliation court.

Sec. 4. Minnesota Statutes 1976, Section 488A.31, is amended by adding a subdivision to read:

Subd. 3a. A complaint or counterclaim in the uniform form prescribed by the supreme court pursuant to section 487.23 shall be accepted by the clerk of conciliation court and shall be forwarded together with the entire filing fee, if any, to the clerk of the appropriate conciliation court.

The conciliation court shall accept a uniform complaint or counterclaim which has been properly completed and which has been properly forwarded to the court by another conciliation court.

Sec. 5. *This act is effective the day following final enactment.*"

Amend the title as follows:

Page 1, line 2, strike "providing for" and insert "authorizing the supreme court to prescribe"

Page 1, line 3, after "forms" and before the period insert "; directing the clerks of conciliation courts to accept uniform complaints and counterclaims from other jurisdictions; amending Minnesota Statutes 1976, Sections 487.23, by adding a subdivision; 487.30, by adding a subdivision; 488A.14, by adding a subdivision; and 488A.31, by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 969: A bill for an act relating to probate; surety bonds; authorizing court to order accounting by and judgment against surety in proceedings to settle estate; amending Minnesota Statutes 1976, Section 524.3-606.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1976, Section 524.3-105 is amended to read:

524.3-105 [PROCEEDINGS AFFECTING DEVOLUTION AND ADMINISTRATION; JURISDICTION OF SUBJECT MATTER.] Any interested person in a decedent's estate may apply to the registrar for determination in the informal proceedings provided in this article, and may petition the court for orders in formal proceedings within the court's jurisdiction including but not limited to those described in this article. *Interim orders approving or directing partial distributions, sale of property or granting other relief, including, but not limited to, waiving the lien of inheritance taxes on specific property may be issued by the court at any time during the pendency of an administration on the petition of the personal representative or any interested person.* The court has exclusive jurisdiction of proceedings, to determine

how decedents' estates subject to the laws of this state are to be administered, expended and distributed. The court has concurrent jurisdiction of any other action or proceeding concerning a succession or to which an estate, through a personal representative, may be a party, except actions to determine title to property, tort actions, foreclosure of mechanic's liens, any action or proceeding in which property distributed by a personal representative or its value is sought to be subjected to rights of creditors or successors of the decedent and any actions under section 573.02."

Page 2, line 25, strike "*that proceedings*" and insert "*a proceeding under this clause*"

Page 2, line 30, strike "*and*" and insert a comma

Page 2, line 30, strike "*like*" and insert "*and enforced in the same manner as*"

Page 2, line 31, strike "*and enforced in the*"

Page 2, line 32, strike "*same manner*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "authorizing the court to issue interim orders,"

Page 1, line 5, strike "Section" and insert "Sections 524.3-105; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 973: A bill for an act relating to probate; rules of procedure; providing for probate proceedings to be governed by rules of civil procedure; amending Minnesota Statutes 1976, Chapter 524, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike line 10

Page 1, line 11, strike "PROBATE PROCEEDINGS.]" and insert:

"[524.1-304] [PRACTICE IN COURT.] *Unless inconsistent with the provisions of this chapter or chapter 525,*"

Page 1, line 12, strike "*in so far*" and insert "*insofar*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 895: A bill for an act relating to state government; creating the Minnesota sports facilities commission; prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes therefor; authorizing the commission to impose an admissions tax; imposing a wholesale liquor tax in the metropolitan area; requiring the completion of an environmental impact statement prior to construction of a new sports facility.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [473.551] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 12, the following terms shall have the meanings given in this section.

Subd. 2. “Cities” means the cities of Minneapolis, Bloomington, and Richfield.

Subd. 3. “Commission” means the metropolitan sports facilities commission.

Subd. 4. “Debt service” means the principal and interest due each year on all bonds or revenue anticipation certificates issued by the council under section 10 or assumed by the council or for which the council is obligated under section 6.

Subd. 5. “Metropolitan sports area” means the real estate in the city of Bloomington described in the ownership and operations agreement, and all buildings, structures, improvements and equipment thereon, now owned by the cities.

Subd. 6. “Metropolitan sports area commission” means that commission established by an ownership and operations agreement made and entered into as of August 13, 1954, validated by Laws 1955, Chapter 445, to which the cities are now parties.

Subd. 7. “Multipurpose sports facility” means a new single unit sports facility suitable for university or major league professional baseball, football, and soccer.

Subd. 8. “Sports facility” or “sports facilities” means real or personal property comprising a stadium or stadiums suitable for university or major league professional baseball or for university or major league professional football and soccer, or for both, together with adjacent parking facilities.

Sec. 2. [473.552] [LEGISLATIVE POLICY; PURPOSE.] The legislature finds that the population in the metropolitan area has a need for sports facilities and that this need cannot be met adequately by the activities of individual municipalities, by agreements among municipalities, or by the private efforts of the people in the metropolitan area. It is therefore necessary for the public health, safety and general welfare to establish a procedure for the acquisition and betterment of sports facilities and to create a metropolitan sports facilities commission.

Sec. 3. [473.553] [SPORTS FACILITIES COMMISSION;

MEMBERSHIP; ADMINISTRATION.] *Subdivision 1. [GENERAL.] The metropolitan sports facilities commission is established and shall be organized, structured, and administered as provided in this section and section 473.141, subdivisions 6 to 11, 13, and 14.*

Subd. 2. [MEMBERSHIP.] The commission shall consist of six members appointed by the governor plus a chairman appointed as provided in subdivision 3. Initial appointments of members shall be made within 30 days of the effective date of this act. One member shall be appointed from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H. Two members shall be appointed from outside the metropolitan area.

Subd. 3. [CHAIRMAN.] The chairman shall be appointed by the governor as the seventh voting member and shall meet all of the qualifications of a member, except the chairman need only reside within the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the precincts or area of the state for which he is appointed and shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan commission or hold any judicial office or office of state government. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Subd. 5. [TERMS.] The terms of the members representing precincts A and B and C and G and the term of one of the members from outside the metropolitan area shall end the first Monday in January, 1981. The terms of the other members and the chairman shall end the first Monday in January, 1983. After the initial term provided for in this subdivision, the term of each member and the chairman shall be four years. The terms shall continue until a successor is appointed and qualified. Members, other than the chairman, may be removed in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.

Sec. 4. [473.556] [POWERS OF COMMISSION.] *Subdivision 1. [GENERAL.] The commission shall have all powers necessary or convenient to discharge the duties imposed by law, including but not limited to those specified in this section.*

Subd. 2. [ACTIONS.] The commission may sue and be sued, and shall be a public body within the meaning of chapter 562.

Subd. 3. [ACQUISITION OF PROPERTY.] The commission may acquire by lease, purchase, gift, or devise all necessary right,

title, and interest in and to real or personal property deemed necessary to the purposes contemplated by sections 1 to 12 within the limits of the metropolitan area.

Subd. 4. [EXEMPTION OF PROPERTY.] Any real or personal property acquired, owned, leased, controlled, used, or occupied by the commission for any of the purposes of sections 1 to 12 is declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any such properties in any manner different from their use under sections 1 to 12 at the time shall be considered in determining the special benefit received by the properties. All assessments shall be subject to final confirmation by the council, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment.

Subd. 5. [FACILITY OPERATION.] The commission may equip, improve, operate, manage, maintain, and control the metropolitan sports area and sports facilities constructed or remodeled under the provisions of sections 1 to 12.

Subd. 6. [DISPOSITION OF PROPERTY.] The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 458.196, insofar as practical and consistent with sections 1 to 12. The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt service.

Subd. 7. [CONTRACTS.] The commission may contract for materials, supplies, and equipment in accordance with section 471.345, except in connection with the design and construction contracts referred to in subdivision 8.

Subd. 8. [EMPLOYEES; CONTRACTS FOR SERVICES.] The commission may employ persons and contract for services necessary to carry out its functions. The commission may employ on such terms as it deems advisable persons or firms for the purpose of providing traffic officers to direct traffic on property under the control of the commission and on the city streets in the general area of the property controlled by the commission. The traffic officers shall not be peace officers and shall not have authority to make arrests for violations of traffic regulations. The commission, without advertisement for bids, may employ persons, firms, or corporations to perform one or more or all of the functions of architect, engineer, construction manager, or contractor for both design and construction, with respect to all or any part of a project to build or remodel sports facilities. Any such person, firm, or corporation shall certify, before the contracts are finally signed, a construction price and completion date to the commission and shall post a bond in an

amount at least equal to 25 percent of the certified price, to cover any costs which may be incurred over and above the certified price, including but not limited to costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date. The commission shall secure surety bonds as required in section 574.26, securing payment of just claims in connection with all public work undertaken by it. Persons entitled to the protection of the bonds may enforce them as provided in sections 574.28 to 574.32, and shall not be entitled to a lien on any property of the commission under the provisions of sections 514.01 to 514.16.

Subd. 9. [GIFTS AND GRANTS.] The commission may accept gifts of money, property, or services, may apply for and accept grants or loans of money or other property from the United States, the state, any subdivision of the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money, property, or services in accordance with the terms of the gift, grant, loan or agreement relating thereto. Except for the acquisition, clearance, relocation, and legal costs referred to in section 10, subdivision 3, clauses (d) and (e), the commission shall not accept gifts, grants, or loans valued in excess of \$2,000,000 without the prior approval of the council. In evaluating proposed gifts, grants, loans, and agreements required in connection therewith, the council shall examine the possible short-range and long-range impact on commission revenues and commission operating expenditures.

Subd. 10. [RESEARCH.] The commission may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its functions.

Subd. 11. [AGREEMENTS WITH UNIVERSITY.] The commission and the board of regents of the university of Minnesota may enter into agreements and do all other acts necessary to further the functions prescribed in sections 1 to 12.

Subd. 12. [USE AGREEMENTS.] The commission may lease, license, or enter into agreements and may fix, alter, charge, and collect rentals, fees, and charges to all persons for the use, occupation, and availability of part or all of any premises, property, or facilities under its ownership, operation, or control for purposes that will provide athletic, educational, cultural, commercial or other entertainment, instruction, or activity for the citizens of the metropolitan area. Any such use agreement may provide that the other contracting party shall have exclusive use of the premises at the times agreed upon.

Subd. 13. [INSURANCE.] The commission may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in the amounts it deems necessary against liability of the commission or its officers and employees for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

Sec. 5. [473.561] [EXEMPTION FROM COUNCIL REVIEW.] *The acquisition and betterment of sports facilities by the commission shall be conducted pursuant to sections 1 to 12 and shall not be affected by the provisions of sections 473.161, 473.165, and 473.173.*

Sec. 6. [473.564] [METROPOLITAN SPORTS AREA.] *Subdivision 1. [TRANSFER OF OWNERSHIP.] Thirty days after the effective date of this act, or at such later date as the council and the commission determine is advisable and consistent with the purposes of sections 1 to 12, the ownership of the metropolitan sports area shall be transferred to the commission. The cities and the metropolitan sports area commission shall cause all conveyances and other instruments to be executed, delivered, and recorded on their behalf which the commission, upon advice of counsel, deems necessary or desirable to transfer and convey to it all of the cities' right, title, and interest in and to the metropolitan sports area and all parts thereof and appurtenances thereto. The comptroller-treasurer of the city of Minneapolis shall remit, endorse, assign and transfer to the treasurer or secretary-treasurer of the commission all moneys and securities credited to the metropolitan sports area fund on the city's official books and records under the provisions of the ownership and operations agreement, except the metropolitan sports area bond sinking fund.*

Subd. 2. [ASSUMPTION OF OBLIGATIONS.] Upon transfer of ownership of the metropolitan sports area to the commission, the council shall be and become obligated and shall provide for the payment of the principal and interest thereafter due and payable with respect to the general obligation bonds and revenue bonds issued by the city of Minneapolis under the provisions of the ownership and operations agreement among the cities and amendments thereto. The council shall provide to Minneapolis funds sufficient to meet the payments and to maintain the sinking fund pursuant to the agreement. When the balance in the sinking fund is sufficient to pay all remaining bonds and interest to their maturity dates, or to an earlier date on which they have been called for redemption, the obligation of the council shall be discharged. When the principal and interest on the bonds have been paid in full, any balance remaining in the sinking fund, including interest earnings, shall be remitted to the council and used by the council for debt service. Upon transfer of ownership of the metropolitan sports area to the commission, the commission shall assume all of the cities' obligations and those of the metropolitan sports area commission under the provision of all use agreements now in effect, entered into by the metropolitan sports area commission on behalf of the cities, providing for the use of the metropolitan sports area or any part thereof by any person. The cities and the metropolitan sports area commission shall cause to be executed all assignments and other documents as the commission, upon advice of the counsel, shall deem necessary or desirable and appropriate to vest all their rights and privileges under the agreements in the commission. Nothing herein shall be construed as imposing upon the council or commission an obligation to compensate the

cities or the metropolitan sports area commission for all or any part of the metropolitan sports area or to continue to operate and maintain the metropolitan sports area facilities taken over by the commission.

Subd. 3. [EMPLOYEES.] Upon transfer of ownership all persons then employed by the metropolitan sports area commission shall be transferred to the metropolitan sports facilities commission without loss of right or privilege. Nothing in this section shall be construed to give any such person the right or privilege to continue in the same level or classification of employment previously held. The metropolitan sports facilities commission may assign any such person to an employment level and classification which it deems appropriate and desirable in accordance with its personnel code.

Sec. 7. [473.565] [RETIREMENT; ADMINISTRATION; PURCHASES OF PRIOR SERVICE CREDIT.] *Subdivision 1. All employees of the commission shall be members of the Minnesota state retirement system with respect to service rendered on or after the effective date of this act, except as provided in this section.*

Subd. 2. Temporary employees hired for a period of less than six months and part time employees hired to work less than 30 hours per week shall be excluded from membership in the retirement system if the commission certifies them to the executive director of the retirement system as being temporary or part time employees.

Subd. 3. Any employee of the commission who was an employee of the metropolitan sports area commission on the effective date of this act and who was a member of the public employees retirement association on account of that employment may elect no later than 30 days following transfer of employment to the commission to remain a member of the public employees retirement association. The election shall be made on forms provided by the commission, and the commission shall give immediate notice of any such elections to the executive directors of the public employees retirement association and the Minnesota state retirement system. Any person who makes such an election shall be excluded from membership in the Minnesota state retirement system with respect to employment by the commission. The commission shall make the required employer contributions to the public employees retirement association.

Subd. 4. Any permanent full time employee of the commission who was a permanent full time employee of the metropolitan sports area commission on the effective date of this act, for whom the prior employment was not covered by the public employees retirement association, may obtain allowable service credit in the Minnesota state retirement system by paying to the retirement system (a) an amount equal to four percent of his or her current salary rate multiplied by the days and months of such prior service for which he or she desires to obtain allowable service credit plus (b) a matching amount representing the employer's

required contributions, except that the commission may agree to pay the matching amount on behalf of its employees. Proof of prior permanent full time service and the duration thereof shall be established by the certification of the commission to the executive director of the retirement system. The payments shall be made either in a lump sum or by payroll deduction arranged for on or before July 1, 1978.

Sec. 8. [473.568] [TELECAST OF GAMES; RESTRICTIVE AGREEMENTS PROHIBITED.] *Subdivision 1. No major league professional baseball, football, or soccer organization which is a tenant at a sports facility constructed or remodeled pursuant to sections 1 to 12 shall be a party to or benefit from an agreement, contract, arrangement, or other understanding which would prevent the telecast within the state or any part of the state of any game of the organization under the following conditions: (a) if the game is to be telecast pursuant to an agreement by which any league of the professional sports organizations sells or otherwise transfers all or part of the rights of the league's member organizations in the sponsored telecasting of games of the organizations and (b) if 90 percent of the tickets of admission for seats at the game, which were available for purchase by the general public 120 hours or more before the scheduled beginning time of the game either at the sports facility where the game is to be played or at the box office closest to the sports facility, have been purchased 72 hours or more before the beginning time of the game. The right to telecast any such game in the state shall be made available, by the person or persons having such right, to a television broadcast licensee on reasonable terms and conditions, including adequate compensation to the commission for the resulting reduction in revenue from tickets and concessions, unless the telecasting would be a telecasting which Title 15 U.S.C. Section 1293 is intended to prevent.*

Subd. 2. The provisions of this section may be enforced by means of a civil suit for injunctive relief brought in the district court of the county in which the sports facility is located.

Subd. 3. If this section is found to be unconstitutional and void, the remaining provisions of this act shall remain valid.

Sec. 9. [473.571] [LOCATION AND DESIGN SELECTION.] *Subdivision 1. [COMMISSION RESPONSIBILITY.] The commission shall determine the location and design specifications for new or remodeled sports facilities in the metropolitan area.*

Subd. 2. [PRELIMINARY PROPOSALS.] By August 1, 1977, the commission shall select, for further study and consideration, design specifications for not more than three locations in the metropolitan area and shall submit to the state planning agency information on the design specifications and locations sufficient in detail and extent in the judgment of the agency to allow the preparation of environmental impact statements. The design specifications shall include a variety of comparable facilities for each location.

Subd. 3. [ENVIRONMENTAL IMPACT STATEMENTS.] An environmental impact statement shall be completed for each alternative selected by the commission. The statements shall be initiated, prepared, and completed in accordance with sections 1 to 12, and, to the extent not inconsistent with sections 1 to 12, in accordance with chapter 116D and rules issued pursuant thereto. The statements shall be prepared by the state planning agency. The agency may engage the department of transportation, the pollution control agency, the energy agency, or any other department or agency of the state, or private consultants, to conduct studies necessary to the preparation of the statements. The commission shall reimburse the state planning agency quarterly for costs incurred by the agency in preparing the statements, including any costs charged over to the agency for studies conducted by other departments or agencies. The agency shall begin preparing the statements immediately upon receipt of information submitted in accordance with subdivision 2. The final statements shall be accepted by the environmental quality board no later than 300 days following receipt of the information.

Subd. 4. [METROPOLITAN COUNCIL REPORT.] By April 1, 1978 the metropolitan council shall make a report to the commission on the consistency of the locations under consideration with the metropolitan council's policy plans, and the metropolitan development guide adopted by the council under section 473.145.

Subd. 5. [PERMITS.] Within 60 days following the acceptance of the environmental impact statements by the environmental quality board, the pollution control agency and any other department, agency, or unit of government shall take final action to approve or deny any permits necessary for the sports facilities and locations under consideration.

Subd. 6. [COMMISSION PROPOSAL.] Within 90 days following the acceptance of the environmental impact statements by the environmental quality board, the commission shall make a final determination on design and location and shall submit to the metropolitan council a proposal to bond for and construct or remodel the sports facility or facilities. The commission's proposal shall contain all information deemed appropriate or necessary by the council to its determinations pursuant to section 10. The commission, in preparing the proposal for the council, may require of the potential lessee professional teams any and all relevant corporate financial data, including, but not limited to, profit and loss statements, annual audit statements, and balance sheets. The commission may keep the corporate financial data confidential except for members of the commission, the council, and designated staff. In evaluating the alternatives, the commission shall consider, among other factors, (a) access to the locations from the rest of the metropolitan area and the state, (b) access to parking and public transit, (c) environmental impact, (d) total capital and operating costs to the commission and total commission revenues over the expected life of the facility, including the sale of land by the commission and any contributions by local units of government or other organizations, (e) the report of the council, (f) the

availability of land and utilities, and (g) the net gain or loss of property taxes to all local governmental units. Before submitting its proposal to the metropolitan council the commission shall hold hearings at locations both within and without the metropolitan area after appropriate notice to receive public testimony on location and design.

Sec. 10. [473.581] [DEBT OBLIGATIONS.] Subdivision 1. [BONDS.] *The council may by resolution authorize the sale and issuance of its bonds for any or all of the following purposes:*

(a) To provide funds for the acquisition or betterment of sports facilities by the commission pursuant to sections 1 to 12;

(b) To refund bonds issued hereunder and bonds upon which the council is obligated under section 6; and

(c) To fund judgments entered by any court against the commission or against the council in matters relating to the commission's functions.

Subd. 2. [PROCEDURE.] *The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues, except as otherwise provided in sections 1 to 12, and the council shall have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. The bonds may be sold at any price and at public or private sale as determined by the council. They shall be payable solely from tax and other revenues referred to in sections 1 to 12, shall not be a general obligation or debt of the council or of the commission, and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation. No election shall be required. The principal amount shall not be limited except as provided in subdivision 3.*

Subd. 3. [LIMITATIONS.] *If the commission's proposal and the construction contracts referred to in clause (g) of this subdivision provide for the construction of a covered multipurpose sports facility, the principal amount of bonds issued pursuant to subdivision 1, clause (a), shall be limited to \$55,000,000. If the commission's proposal and the construction contracts do not provide for the construction of a cover on a proposed multipurpose sports facility and the commission does not otherwise contract for the construction or acquisition of a cover for the sports facility, the principal amount shall be limited to \$42,000,000. If the commission's proposal and the construction contracts provide for the construction of a new sports facility for football and soccer and for remodeling the existing metropolitan stadium for baseball, the principal amount shall be limited to \$37,500,000. The bonds issued pursuant to subdivision 1, clause (a), shall bear an average annual rate of interest, including discount, not in excess of seven and one-half percent. The proceeds of the bonds issued pursuant to subdivision 1, clause (a), shall be used only for the acquisition and betterment of sports facilities suitable for baseball, football and soccer, with a seating capacity for football and soccer of approximately 65,000 persons. The council shall issue its bonds and*

construction of sports facilities may commence when the council has made the following determinations:

(a) The commission has executed agreements with major league professional baseball and football organizations to use its sports facilities for all scheduled regular season home games and play-off home games and, in the case of the football organization, for at least one-half of its exhibition games played each season. The agreements shall be for a period of not more than 30 years nor less than the term of the longest term bonds that in the council's judgment it may find it necessary to issue to finance the acquisition and betterment of the commission's sports facilities. The agreements shall provide that, in the event of breach of the agreements, the defaulting organization shall pay damages annually to the commission. The annual payment shall be in an amount equal to the annual average of all revenue derived by the commission from attendance at events and activities of the defaulting organization during the years prior to default, provided that the damages shall not exceed in any year an amount sufficient, with other revenues of the commission but excluding proceeds of the tax under section 11, to pay all expenses of operation, maintenance, administration, and debt service for the facilities used by the defaulting organization during the same year. The damages shall be payable during the period from the occurrence of the default to the date on which another major league professional baseball or football organization, replacing the defaulting organization, enters into a use agreement with the commission for not less than the then remaining term of the original agreement. The agreements with the teams shall provide that no closed circuit or pay television broadcasting of events in the sports facility may be allowed without the approval of the commission. The agreements shall include provisions protecting the commission and the council in the event of change in ownership of the professional teams.

(b) The commission has executed agreements with professional baseball and football major leagues which guarantee the continuance of franchises in the metropolitan area for the period of the agreements referred to in clause (a).

(c) The proceeds of bonds provided for in this subdivision will be sufficient, together with other capital funds that may be available to the commission, to construct or remodel and to furnish the sports facilities proposed by the commission, including the appropriate professional fees and charges but excluding, except as otherwise provided in this subdivision, the acquisition, clearance, relocation, and legal costs referred to in clauses (d) and (e).

(d) The commission has acquired, without cost to the commission or the council except as provided in this subdivision, title to all real property including all easements and other appurtenances needed for the construction and operation of any proposed sports facilities or has received a grant of funds or has entered into an agreement or agreements sufficient in the judgment of the council to assure the receipt of funds, at the time and in the amount

required, to make any payment upon which the commission's acquisition of title and possession of the real property is conditioned.

(e) The commission has received a grant of funds or entered into an agreement or agreements sufficient in the judgment of the council to assure the receipt of funds, at the time and in the amount required, to pay all costs, except as provided in this subdivision, of clearing the real property needed for the construction and operation of any proposed sports facilities of all buildings, railroad tracks and other structures, including without limitation all relocation costs, all utility relocation costs, and all legal costs.

(f) The commission has executed agreements with appropriate labor organizations and construction contractor organizations which provide that no labor strike or management lockout will halt, delay or impede construction.

(g) The commission has executed contracts for the construction of its sports facilities.

(h) The environmental impact statement for the sports facility or facilities has been accepted by the environmental quality board, and the pollution control agency and any other department, agency, or unit of government have taken final action to approve or deny any permits necessary for the sports facility or facilities.

(i) At least 50 percent of the private boxes provided for in the sports facility or facilities are leased for at least five years.

(j) The anticipated revenue from the operation of the sports facility or facilities plus any additional available revenue of the commission, but not including proceeds of the tax under section 11, will be an amount sufficient to pay when due all debt service plus all operating and maintenance expenses, unless the proposed facility is a covered multipurpose sports facility, in which case the aforementioned revenues need only be an amount sufficient to pay when due all debt service plus a substantial portion of operating and maintenance expense.

The validity of any bonds issued under subdivision 1, clause (a), and the obligations of the council and commission related thereto, shall not be conditioned upon or impaired by the council's determinations made pursuant to this subdivision. For purposes of issuing the bonds the determinations made by the council shall be deemed conclusive, and the council shall be and remain obligated for the security and payment of the bonds irrespective of determinations which may be erroneous, inaccurate, or otherwise mistaken.

Subd. 4. [SECURITY.] To the extent and in the manner provided in sections 11 and 12, the tax described in section 11, the tax and other revenues of the commission described in section 12, and any other revenues of the commission shall be and remain pledged and appropriated for the payment of all necessary and reasonable expenses of the operation, administration, maintenance, and debt service of the commission's sports facilities until all bonds referred to in section 6, subdivision 2, and all bonds and certificates issued pursuant to this section are fully paid or discharged

in accordance with law. The revenue bonds and interest thereon referred to in section 6, subdivision 2, may be refunded, whether at a lower or a higher rate of interest, by the issuance of new bonds pursuant to subdivision 1, clause (b), for the purpose of pledging revenues of the metropolitan sports area for the payment and security of bonds issued hereunder, and the council may provide that a portion of the new bonds shall be payable solely from the interest earnings derived from the investment of the bond proceeds. Until these revenue bonds are fully paid or the council's obligation thereon is discharged in accordance with law they shall be deemed a first and prior charge on those revenues and shall be secured by all provisions of the revenue bond resolution and the ownership and operations agreement. Bonds issued pursuant to this section may be secured by a bond resolution, or by a trust indenture entered into by the council with a corporate trustee within or outside the state, which shall define the tax and other revenues pledged for the payment and security of the bonds. The pledge shall be a valid charge on the tax referred to in section 11 and all tax and other revenues referred to in sections 1 to 12 from the date when bonds are first issued under the resolution or indenture and shall secure the payment of principal and interest and redemption premiums when due and the maintenance at all times of a reserve securing such payments. No mortgage of or security interest in any tangible real or personal property shall be granted to the bondholders or the trustee, but they shall have a valid security interest in all tax and other revenues received and accounts receivable by the commission or council hereunder, as against the claims of all other persons in tort, contract, or otherwise, irrespective of whether such parties have notice thereof, and without possession or filing as provided in the uniform commercial code or any other law. In the bond resolution or trust indenture the council may make such covenants, which shall be binding upon the commission, as are determined to be usual and reasonably necessary for the protection of the bondholders. No pledge, mortgage, covenant, or agreement securing revenue bonds may be impaired, revoked, or amended by law or by action of the council or commission, except in accordance with the terms of the resolution or indenture under which the bonds are issued, until the obligations of the council thereunder are fully discharged.

Subd. 5. [REVENUE ANTICIPATION CERTIFICATES.]
At any time or times after approval by the council and final adoption by the commission of an annual budget of the commission for operation, administration, and maintenance of its sports facilities, and in anticipation of the proceeds from the tax under section 11 and the revenues of the commission provided for in the budget, but subject to any limitation or prohibition in a bond resolution or indenture, the council may authorize the issuance, negotiation, and sale, in such form and manner and upon such terms as it may determine, of revenue anticipation certificates. The principal amount of the certificates outstanding shall at no time exceed 25 percent of the total amount of the tax and other revenues anticipated. The certificates shall mature not later than three months after the close of the budget year. Prior to the

approval and final adoption of the first annual budget of the commission, the council may authorize up to \$300,000 in revenue anticipation certificates under this subdivision. So much of the anticipated tax and other revenues as may be needed for the payment of the certificates and interest thereon shall be paid into a special debt service fund established for the certificates in the council's financial records. If for any reason the anticipated tax and other revenues are insufficient, the certificates and interest shall be paid from the first tax and other revenues received, subject to any limitation or prohibition in a bond resolution or indenture. The proceeds of the certificates may be used for any purpose for which the anticipated revenues of the commission may be used or for any purpose for which bond proceeds under subdivision 1 may be used, provided that the proceeds of certificates issued after the first issuance of bonds under subdivision 1, clause (a), shall not be used to pay capital costs of sports facilities constructed or remodeled pursuant to sections 1 to 12.

Sec. 11. [473.591] [ON-SALE LIQUOR TAX.] *Subdivision 1. [APPLICATION.]* For purposes of this section, the term "metropolitan area" shall not include that portion of the city of New Prague that is located in Scott county nor those portions of the city of Hanover and the city of Rockford that are located in Hennepin county.

Subd. 2. [TAX.] The council shall impose a tax, effective August 1, 1977, supplemental to the general sales tax imposed in Minnesota Statutes, Chapter 297A, in the amount of two percent on all retail on-sales of intoxicating liquor and fermented malt beverages when sold at licensed on-sale liquor establishments and municipal liquor stores located within the metropolitan area. The tax shall remain in effect until August 1, 1980. Thereafter, the council may levy such a tax up to an amount sufficient to produce revenues equal to the principal and interest on bonds outstanding under section 10, subdivision 1, clause (a), but not to exceed \$4,500,000 in any year where necessary to meet the obligations of the council under section 10. The tax shall be reported and paid to the commissioner of revenue with and as part of the state sales and use taxes, and shall be subject to the same penalties, interest, and enforcement provisions.

Subd. 3. [PROCEEDS; USE.] The collections of the tax, less refunds and a proportionate share of the cost of collection, shall be remitted at least quarterly to the council. The proceeds remitted shall be placed, together with the net revenues of the commission under section 12, into the debt service fund or special funds established under section 10, subdivisions 4 and 5, provided however that during the first year the tax is imposed pursuant to this section the council may reappropriate to the commission a total amount not to exceed one-half of the proceeds from the first year of the tax, to be used by the commission to pay its expenses related to planning, designing, and locating sports facilities pursuant to sections 1 to 12. Collection of the tax imposed by this section shall be suspended at the end of any calendar year upon a determination by the metropolitan council

that the balance in the reserve fund has reached an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding three year period. Collection shall be resumed by the commissioner of revenue at the end of any calendar year upon notice from the metropolitan council that the balance in the reserve fund has fallen below an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding two year period.

Sec. 12. [473.595] [COMMISSION FINANCES.] *Subdivision 1. [ADMISSION TAX.] Effective January 1, 1978, the commission shall by resolution impose a three percent admission tax upon the granting, sale, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities; except for those activities sponsored by nonprofit organizations and conducted at the indoor public assembly facility at the metropolitan sports area known as the metropolitan sports center. Commencing with the operation of sports facilities constructed or remodeled by the commission pursuant to sections 1 to 12, the commission shall impose an additional seven percent admission tax upon activities conducted at such sports facilities. Effective January 1, 1978, no other tax, except the taxes imposed by chapter 297A, may be levied by any other unit of government upon any such sale or distribution. The admission tax shall be stated and charged separately from the sales price so far as practicable and shall be collected by the grantor, seller, or distributor from the person admitted and shall be a debt from that person to the grantor, seller, or distributor, and the tax required to be collected shall constitute a debt owed by the grantor, seller, or distributor to the commission, which shall be recoverable at law in the same manner as other debts. Every person granting, selling, or distributing tickets for such admissions may be required, as provided in resolutions of the commission, to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay such penalties for nonpayment and interest on late payments, as shall be deemed necessary or expedient to assure the prompt and uniform collection of the tax.*

Subd. 2. [RENTALS; FEES; CHARGES.] Rentals, fees, and charges provided for in use agreements entered into by the commission shall be those estimated by the commission to be necessary and feasible to produce so far as possible, with commission revenues from other sources, the amounts needed for current operation, maintenance, and debt service. The commission shall with respect to all facilities in the metropolitan sports area and any sports facility constructed pursuant to this act meet and confer with any public body, authority, or agency owning or operating an entertainment or sports complex, or indoor sports arena, in the area in which this act is effective, for the purpose of undertaking measures or agreements maximizing revenues and eliminating unnecessary operational expenditures.

Subd. 3. [BUDGET PREPARATION; REVIEW AND APPROVAL.] The commission shall comply with the provisions of section 473.163, provided that the entire budget, including oper-

ating revenues and expenditures for operation, administration, and maintenance, shall be subject to approval by the council, in accordance with the procedures described in section 473.163.

Subd. 4. [PAYMENT OF COUNCIL COSTS.] The commission shall comply with the provisions of section 473.164.

Subd. 5. [AUDIT.] The commission once each year shall have an independent audit made of its books and accounts by a certified public accountant. The costs of the audits shall be paid by the commission. Once each year the commission shall prepare and file a written report with the legislative auditor in such form and containing such information as the legislative auditor may prescribe. The council or the legislative auditor may examine the commission's books and accounts at any time.

Subd. 6. [GENERAL.] The commission shall receive and account for all tax and other revenue of the commission and from the revenue shall provide, contract, and pay for proper operation, administration, and maintenance of all of its property and facilities and shall maintain, as authorized by resolutions of the council, reserves for major repairs, replacements, and improvements and for working capital. The commission shall remit to the council for deposit in its debt service fund, at the times required by resolution of the council, the net revenue in excess of these requirements.

Sec. 13. [BLOOMINGTON; TAX LEVY.] Effective beginning in the year 1978, the levy limit base for the city of Bloomington determined for the purposes of Minnesota Statutes, Sections 275.50 to 275.59, is increased by an amount equal to the revenue derived by the city in calendar year 1976 from the city tax imposed on tickets sold for admission to activities conducted at the metropolitan sports area.

Sec. 14. Minnesota Statutes 1976, Section 340.11, Subdivision 11a, is amended to read:

Subd. 11a. [ON-SALE LICENSES TO CERTAIN SPORTS COMMISSIONS.] Notwithstanding any law or municipal charter provision to the contrary, on-sale licenses for the sale of intoxicating liquor may be issued to establishments located on lands owned jointly by more than one municipality the commission created in sections 1 to 12 and which are used primarily for sports and recreational purposes upon payment of the regular on-sale license fee therefor to the municipality wherein the licensed premises are located. Such licenses shall authorize the sale of intoxicating liquor to club members and guests only.

Sec. 15. This act is effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 16. This act is effective on the day following final enactment."

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to metropolitan government; provid-

ing for sports facilities; establishing a sports commission; providing financing; providing a tax on the sales of certain intoxicating and fermented malt beverages in the metropolitan area; prohibiting certain restrictive agreements relating to the telecasting of games; increasing the levy limitation base for the city of Bloomington; regulating facilities location; amending Minnesota Statutes 1976, Section 340.11, Subdivision 11a.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was re-referred

S. F. No. 835: A bill for an act relating to the organization and operation of state government; creating a human services board consisting of the heads of certain state agencies; requiring preparation of plans for the improvement of efficiency and coordination in the delivery of services relating to the employment, health, welfare and education of citizens of this state; providing for implementation of improvements; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [143.01] [POLICY; LEGISLATIVE INTENT.] The purpose of sections 1 to 6 is to encourage the adoption of state policies which insure that each citizen has the opportunity to achieve his or her own maximum potential for growth and personal development and to bring about the implementation of these policies in the most efficient and effective manner. The legislature finds that there are gaps and other deficiencies in those state policies which relate to the health and welfare of the state’s citizens and that these deficiencies prevent citizens from realizing their maximum potential for growth and personal development. The legislature also finds that the delivery of services is characterized by overlap, fragmentation, and a need for coordination between state agencies, levels of government and the private sector. There is therefore a need for the more effective and efficient implementation of human services policies so that costs can be reduced, accountability strengthened, and the delivery of services improved. It is the intent of the legislature to establish a mechanism by which these deficiencies in both policies and their implementation can be remedied.

Sec. 2. [143.02] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 6, the following terms shall have the meanings given them.

Subd. 2. “Board” means the human services board created by section 3.

Subd. 3. “Human services” means all programs or activities of human service agencies which directly relate, or are intended to relate, to the education, employment, health or welfare of citizens

of the state; the maintenance or supplement of personal incomes; or the incarceration or rehabilitation of persons as a result of orders of the courts of this state.

Subd. 4. "Human service agencies" shall include the departments of corrections, education, employment services, health, labor and industry, public welfare, veterans affairs and vocational rehabilitation; the state planning agency; the governor's manpower office; any other operating state agencies designated by the governor by executive order as being primarily engaged in the delivery of human services; and their successor departments or agencies.

Subd. 5. "Agency heads" shall mean the commissioners, executive directors, or directors, as appropriate, of the human service agencies.

Subd. 6. "Executive director" shall mean the executive director of the board.

Sec. 3. [143.03] [HUMAN SERVICES BOARD; ORGANIZATION.] Subdivision 1. There is created the human services board consisting of the agency heads and the governor or his designee. The governor or his designee shall be chairman of the board, and the governor shall supply the board and its staff with necessary office space and administrative services.

Subd. 2. The governor shall appoint an executive director who shall serve at the pleasure of the governor in the unclassified civil service. The executive director may, with the approval of the board, appoint additional employees who shall be in the classified civil service. The salaries of all permanent, full time employees of the board shall be paid exclusively from the appropriation made to the governor for board purposes. The board shall to the extent necessary use regular employees of human service agencies for additional staff services. The executive director shall be the chief administrative officer of the board and shall perform activities as assigned by the board.

Subd. 3. The board shall meet at the call of the chairman, but shall meet no less than once per month. If an agency head is unable to attend a meeting, he shall designate a deputy or assistant head of his agency to attend that meeting in his absence. Where the chairman and executive director believe that an upcoming meeting will consider an issue having significance to the delivery of human services, they shall cause prior notice of the meeting and the issue to be discussed to be published in the state register and to be distributed to media as appropriate. Meetings of the board shall be subject to the requirements of the open meeting law, section 471.705.

Sec. 4. [143.04] [DUTIES.] Subdivision 1. The duties of the board shall be as provided in this section and as may be provided in other law and executive order:

(a) to biennially prepare a catalogue of human service activities and programs performed by or through state agencies;

(b) to recommend improvements in state human service poli-

cies so that the policies more adequately contribute to the goal of maximizing each citizen's potential for growth and human development;

(c) to recommend improvements in human service programs and delivery systems so as to reduce overlap, fragmentation and lack of coordination between state agencies, levels of government, and the private sector;

(d) to establish priorities for the necessary improvements identified in clauses (b) and (c);

(e) to solicit opinions and recommendations on improvements from local government human service agencies, consumers, groups representing consumers of human services, and appropriate standing committees of the legislature;

(f) to prepare and implement subject to section 5 a plan for joint location of regional offices of human service agencies throughout the state in order to permit more efficient and convenient delivery of human services; provided, that the plan shall not call for the impairment of the integrity of the program functions of individual agencies;

(g) to prepare and implement subject to section 5 a plan for centralized application and issuance procedures for licenses issued by human service agencies; and

(h) to appoint advisory task forces, subject to the provisions of section 15.059, subdivision 6, if necessary to study and report on methods to improve the delivery of a human service or to insure the input of consumers of that service, local government units and the private sector.

Subd. 2. The duties prescribed in subdivision 1 shall be deemed continuing duties of the board. Unless otherwise provided, the board shall report to the governor, appropriate standing committees of the legislature, and the human service agencies on the performance of its duties no later than November 15, 1978, and each year thereafter. Plans required to be prepared under subdivision 1 shall be completed no later than November 15, 1978, and shall be periodically updated thereafter.

Sec. 5. [143.05] [IMPLEMENTATION.] Subdivision 1. The plans for the improvement of the delivery of human services shall be implemented in a manner as provided in this section.

Subd. 2. If an improvement does not require statutory amendment and does not require the transfer of duties, personnel or money between two or more state agencies, then the board may recommend to the governor and the appropriate agency head implementation of the improvement by a vote of a majority of all the members of the board. Copies of the recommendation shall be submitted to appropriate standing committees of the legislature.

Subd. 3. If an improvement does not require statutory amendment but does require the transfer of duties, personnel or money between two or more state agencies, the board by majority vote

of all its members shall request the commissioner of administration to implement the improvement by reorganization order. If the commissioner determines that the request of the board may result in the improvement of the delivery of human services, and if he determines that the request will not transfer all or substantially all of the duties, personnel or money of a state agency, he shall issue an appropriate reorganization order with the approval of the governor pursuant to sections 16.125 to 16.135.

Subd. 4. If an improvement requires statutory amendment, or if it will require the transfer of all or substantially all of the duties, personnel or money of a state agency, the board shall submit proposed legislation to implement the improvement to the appropriate committees of the legislature. The report shall include sufficient data to justify the desirability of the proposed improvement.

Subd. 5. If an improvement requires the amendment of federal statute, rule or policy the board shall take appropriate action to inform the Congress or proper federal agency of the need for the improvement. Copies of reports and data submitted pursuant to this subdivision shall be provided to appropriate standing committees of the legislature.

Sec. 6. [143.06] [STATE AGENCY DUTIES.] Subdivision 1. Heads of state agencies shall implement as quickly as practicable improvements in the delivery of human services, as ordered by the governor or the commissioner of administration pursuant to board recommendations, to the extent that money is available to pay the cost of the improvement. If the head of the agency determines, after consultation with the commissioner of finance, that necessary money is not available to fully implement the improvement, he shall so inform the board and appropriate committees of the legislature.

Subd. 2. If an ordered improvement requires the adoption, amendment, suspension or repeal of an agency rule, the head of the agency shall file the necessary order for a rule making hearing with the chief hearing examiner no more than 60 days after receipt of the order. The board may specify that an agency will have emergency rule making power in respect to implementation of an improvement if immediate implementation of the improvement is necessary to gain substantial improvements in cost effectiveness, efficiency, or service to consumers. A copy of an order permitting emergency rule making shall be submitted to the chief hearing examiner.

Subd. 3. The powers and duties given the board by sections 1 to 6 shall not in any way reduce the duty of an agency head to continuously monitor the activities of his human service agency. Sections 1 to 6 shall not be construed to release an agency head from his continuing duty to provide for effective and efficient delivery of human services by his agency.

Sec. 7. [APPROPRIATION.] There is appropriated to the governor for the purpose of implementing sections 3 to 5 of this

act the sum of \$ from the general fund for the period July 1, 1977 to June 30, 1979.

Sec. 8. [EFFECTIVE DATE.] This act is effective July 1, 1977 and expires June 30, 1981."

And when so amended the bill be re-referred to the Committee on Governmental Operations without recommendation. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 297: A bill for an act relating to labor; providing for the elimination of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, by adding a subdivision; 177.24; repealing Minnesota Statutes 1976, Section 177.28, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike Section 1 and insert:

"Section 1. Minnesota Statutes 1976, Section 177.23, Subdivision 9, is amended to read:

Subd. 9. "Gratuities" means ~~voluntary~~ monetary contributions received *directly or indirectly* by an employee from a guest, patron, or customer for services rendered and includes an obligatory charge assessed to customers, guests, or patrons which might reasonably be construed by the guest, customer, or patron as being a payment for personal services rendered by an employee and for which no clear and conspicuous notice is given by the employer to the customer, guest, or patron that the charge is not the property of the employee."

Page 2, line 8, strike "or personal service charge"

Page 2, line 11, before the comma insert ". No employer shall require an employee to contribute or share a gratuity received by the employee with the employer or other employees or to contribute any or all of the gratuity to a fund or pool operated for the benefit of the employer or other employees"

Page 2, line 13, strike "among" and insert "among"

Page 2, line 13, after "themselves" insert "and without employer participation"

Page 2, after line 16 insert:

"Subd. 3. No employer shall directly or indirectly credit, apply or authorize gratuities towards payment of minimum wage except as provided for by section 177.28."

Page 2, strike Section 3 and insert:

"Sec. 3. Minnesota Statutes 1976, Section 177.28, Subdivision 4, is amended to read:

"Subd. 4. An employee who receives \$20 or more per month in gratuities is a tipped employee. His An employer is entitled to a credit in an amount up to 25 percent of the minimum wage which a tipped employee receives. Said The credit against the wages due for gratuities received by a tipped employee may not be taken unless at the time the credit is taken the employer has received a signed statement for that pay period from each tipped employee which states that he the employee did receive and retain during the pay period all gratuities in an amount equal to or greater than twice the credit applied against the wages due by his the employer. Such These statements shall be maintained by the employer as part of his the business records of the employer."

Amend the title as follows:

Page 1, strike lines 2 to 7 and insert:

"relating to labor; providing for a change in the application of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, Subdivision 9; 177.24; and 177.28, Subdivision 4."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was re-referred

S. F. No. 566: A bill for an act relating to natural resources; drainage; providing for transfer by county boards of certain surplus ditch funds to another governing body taking over the drainage system; amending Minnesota Statutes 1976, Section 106.471, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "such" and insert "the"

Page 1, line 19, strike "Such" and insert "The"

Page 1, line 22, strike "such" and insert "the"

Page 2, line 2, after "creating" strike "such" and insert "the"

Page 2, line 2, after "until" strike "such" and insert "the"

Page 2, line 5, strike "Such" and insert "The"

Page 2, line 5, strike "so"

Page 2, line 15, after "transfer" insert "from the ditch fund"

Page 2, line 15, strike "in the ditch"

Page 2, line 16, strike "fund credited to that drainage system"

Amend the title as follows:

Page 1, line 2, strike "natural resources;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 832: A bill for an act relating to local improvements; contracts; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Section 429.041, Subdivision 6; and Chapter 429, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after the period insert:

“Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the amount earned shall obligate the municipality to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a municipality may legally withhold as a result of breach of contract or other contractual claim.”

Page 2, strike lines 2 to 10

Amend the title as follows:

Page 1, line 2, strike “improvements;” and insert “improvement”

Page 1, line 7, strike “; and Chapter 429, by adding a”

Page 1, line 8, strike “section”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1228: A bill for an act relating to cities; establishing a city shared administrator program of grants to be administered by the state planning agency; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after the period insert “No group of cities under this program shall receive grants for more than three years.”

Page 2, line 11, after “program” insert “pursuant to chapter 15”

Page 2, line 11, strike “Due to the”

Page 2, strike lines 12 to 16 and insert “The state planning agency may promulgate emergency rules pursuant to section 15.0412, subdivision 5, until formal rules are adopted.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 875: A bill for an act relating to the county of Hennepin; duties of personnel board; providing for referral of eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "Such" and insert "The"

Page 1, line 18, strike "Such" and insert "The"

Page 1, line 20, strike "such" and insert "the"

Page 1, line 22, strike "Such" and insert "The"

Page 2, line 7, after "any" strike "such"

Page 2, line 7, strike "Such" and insert "The"

Page 3, line 4, strike "ten" and insert "five"

Page 3, line 9, strike "such" and insert "the"

Page 3, line 11, strike "Such" and insert "The"

Page 3, line 29, strike "such"

Page 4, line 3, strike "such"

Page 4, line 15, strike "such"

Page 4, line 16, strike "such"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "changing"

Page 1, line 3, after "of" insert "additional"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1127: A bill for an act relating to political subdivisions; authorizing assignments to secure payment of certain loans; amending Minnesota Statutes 1976, Section 465.73.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 749: A bill for an act relating to municipalities; authorizing creation of storm sewer reserve funds within storm sewer improvement districts; authorizing special levies in anticipation of capital improvements and bond retirement in storm sewer improve-

ment districts; amending Minnesota Statutes 1976, Chapter 444, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, strike "shall" and insert "may"

Page 2, line 4, after "improvements." insert "*If no contract for an improvement within the district has been entered into within the period specified in subdivision 3, the balance of tax monies in the storm sewer reserve fund shall be transferred and irrevocably pledged by the governing body to the debt service fund of the municipality.*"

Page 2, line 5, strike "special"

Page 2, line 5, after "levy" insert "*for the payment of principal and interest on bonded indebtedness*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1286: A bill for an act relating to Chisago county and the issuance of revenue bonds and the acquisition of property by said county for apartment buildings for elderly persons of low and moderate income.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. [GENERAL OBLIGATION NURSING HOME BONDS.] Subdivision 1. [AUTHORIZATION.] The board of commissioners of Chisago county may by resolution sell and issue general obligation bonds of the county in the amount of \$1,500,000 to finance the acquisition and betterment of additional facilities for the county nursing home, comprising apartment units.

Subd. 2. [ADMINISTRATION AND RENTAL OF APARTMENT UNITS.] The apartment units shall be constructed in close proximity to existing county nursing home facilities, and administered together with the existing facilities as part of an overall program for the care of aged and infirm persons. The board of commissioners may rent the apartment units to persons applying for entrance to the county nursing home, or to other elderly persons of low and moderate income who may require use of nursing home facilities, on the terms and conditions the board deems advisable.

Subd. 3. [ELIGIBILITY.] The county may by ordinance adopt regulations establishing age, health and income eligibility requirements for the rental of the apartment units. The regulations may provide different rental terms and conditions for persons of different ages, health conditions and incomes.

Subd. 4. [BOND SECURITY; REFERENDUM PETITION.] The bonds shall be issued and secured in accordance with Minnesota Statutes, Chapter 475, except that in authorizing the bonds the board of commissioners shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper. The bonds so authorized may be issued without the submission of the question of their issuance to the electors unless within 30 days after the second publication of the resolution a petition requesting an election signed by more than five percent of the qualified electors voting in the county at the last general election is filed with the county auditor. In the event a petition is filed, no bonds shall be issued under this subdivision unless authorized by a majority of the electors voting on the question.

Sec. 2. This act is effective upon approval by a majority of the board of commissioners of Chisago county, and upon compliance with Minnesota Statutes, Section 645.021."

Further strike the title and insert:

"A bill for an act relating to Chisago county; authorizing the issuance of general obligation bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of such facilities."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 481: A bill for an act relating to education; school districts; revising financing systems and accounting procedures for certain district funds; amending Minnesota Statutes 1976, Sections 121.902; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivision 1; 123.335, Subdivision 2; 123.71, Subdivisions 1 and 2; 275.125, Subdivision 8; and 475.61, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"ARTICLE I

FOUNDATION AID PROGRAM

Section 1. Minnesota Statutes 1976, Section 123.39, Subdivision 5, is amended to read:

Subd. 5. The board may provide for the admission to the schools of the district, of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils. In case a person owns land and pays the taxes thereon, in a district other than the one in which he resides, then such person or his tenant shall be admitted to all the benefits of said school the same as residents

therein, in respect to elementary pupils upon conforming to such reasonable terms for tuition and transportation as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school taxes which he pays to the support of said district applied in payment of said tuition and transportation fees. In the payment of state aid, the district in which the pupil attends shall be considered the district of his residence because of the provisions of this subdivision.

Sec. 2. Minnesota Statutes 1976, Section 124.11, is amended to read:

124.11 [DATES OF AID PAYMENTS.] *Subdivision 1.* Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, ten percent of the estimated elementary and secondary foundation aids shall be paid to districts in each of the months *other than October* from ~~September~~ *August* through May based upon information available and the final distribution shall be made in the following ~~August~~ *October*.

Subd. 2. Estimated post-secondary vocational foundation aid shall be paid to districts in 12 equal monthly payments beginning July 15, 1976. The estimated post-secondary vocational foundation aid shall be paid on the basis of the prior year's average daily membership except that the average daily membership and the payments based thereon may be adjusted in September, December, March and June to reflect any increases or decreases in enrollment. The September payment in each fiscal year shall be increased or decreased to reflect any deficit or excess in post-secondary vocational foundation aid received in the prior fiscal year.

Subd. 3. If any school district is unable to borrow necessary funds for the operation of its facilities during any fiscal year, due to legal borrowing restrictions or the lack of reasonable credit facilities, the commissioner of finance and state treasurer may, upon certification of such conditions by the commissioner of administration, advance such education aids as may be required to such district, with the condition that such aids be discounted by an amount equal to six percent or the current yield on U.S. treasury bills on the date of such payment to a maturity approximating the date on which aids are to be paid, whichever rate is higher, pursuant to the terms of this section. The amount of such discount shall be determined by the commissioner of finance, with the six percent discount or the "bid" price quoted on treasury bills of an appropriate maturity calculated after consultation with the staff of the state board of investment.

Subd. 4. Estimated elementary and secondary foundation aids shall be paid out on the basis of the prior year's pupil unit enrollment ~~unless the October 1 enrollment is larger, in which case in August and September.~~ The October enrollment shall be used *for aid payments from November to May.* Adjustment for final elementary and secondary final pupil unit figures shall be made in the ~~August~~ *October* payment of aids.

Sec. 3. Minnesota Statutes 1976, Section 124.17, Subdivision 1, is amended to read:

124.17 [DEFINITION OF PUPIL UNITS.] Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school, for kindergarten and for handicapped pre-kindergarten pupils as defined in section 120.03, and enrolled in one-half day sessions throughout the school year or the equivalent thereof, approved by the commissioner of education, one-half pupil unit and other elementary pupils, one pupil unit.

(2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

(3) In area vocational-technical schools one and one-half pupil units. This clause shall expire June 30, 1976.

(4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil in clauses (1) and (2) from families receiving aid to families with dependent children or its successor program *who is enrolled in the school district on October 1* shall be counted as an additional five-tenths pupil unit. By May 1 of each year the department of public welfare is directed to furnish to the department of education, and to each school district to the extent the information pertains to it, that information concerning children from families with dependent children *who were enrolled in the school district on the preceding October 1* which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids may be paid concurrently with other foundation aids.

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds five percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for purposes of this clause, provided that in districts where the percent of concentration is less than six, no additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further than no such pupil shall be counted as more than one and one-tenth additional pupil units pursuant to clauses (4) and (5). Such weighting shall be in addition to the weighting provided in clauses (1), (2), (3), and (4). School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to primary grade programs and services, particularly to programs and services that involve participation of parents. Each district receiving aids on account of both clauses (4) and (5) shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all such aids received.

(6) Where the total pupil units of a district are used as a multiplier in determining foundation aids and spending and levy limitations and where the actual number of pupil units has decreased from the prior year, the number of pupil units shall equal *the greater of the current year actual pupil units or the average of actual pupil units in the district for the two prior years and the current years in a district with boundaries coterminous with the boundaries of a city of the first class and shall be increased by .6 times the difference between the actual pupil units for the two years in any other district year* . Only pupil units as computed in clauses (1) and (2) shall be included for purposes of computations made pursuant to this clause.

(7) In districts maintaining classified secondary schools where the actual number of pupil units has increased from the prior year by two percent or more, the additional pupil units over the prior year, as computed in clauses (1) and (2), shall be multiplied times one-tenth for each percent of increase over the prior year and a number of pupil units equal to the product shall be added to the other units for the district. The percent of increase shall be rounded up to the next whole percent for purposes of this clause, provided that in districts where the percent of increase is less than two, no additional pupil units shall be added to the other units for the district and provided further that the number of pupil units of increase over the prior year shall under no circumstances be multiplied by more than five-tenths.

(8) Only pupil units in clauses (1) and (2) shall be used in computing adjusted maintenance cost per pupil unit.

Sec. 4. Minnesota Statutes 1976, Section 124.19, Subdivision 1, is amended to read:

124.19 [REQUIREMENTS FOR AID GENERALLY.] Subdivision 1. Every district which receives special state aid shall maintain school or provide instruction in other districts, in state university laboratory school or in the university laboratory school, at least a minimum term as defined by the state board. The normal school year when school is in session shall be not less than 175 days or their equivalent. A district which holds school for that period and is otherwise qualified is entitled to special state aid as by law provided. If school is held a less period such special state aid shall be reduced in the proportion that school is held bears to 175 days effective the 1970-71 school year and thereafter, but districts maintaining less than the required minimum number of days of school in session do not lose special state aid if the circumstances causing such loss of school time below the required minimum number of days were beyond the control of the board and provided proper evidence has been submitted and a good faith attempt made to make up time lost on account of these circumstances ; ~~provided further, that~~ . Days devoted to teachers' institutes or other meetings authorized or called by the commissioner may not be included as part of the required minimum number of days of school in session. *Effective the 1977-78 school year, not more than five days may be devoted to parent-*

teacher conferences or teachers' workshops as part of the required minimum number of days school is in session.

Sec. 5. Minnesota Statutes 1976, Section 124.212, Subdivision 4, is amended to read:

Subd. 4. The amount of money received by a school district as income from the permanent school fund for any year, shall be deducted from the foundation aid earned by the district for the same year including aid earned pursuant to subdivision 3a or from aid earned from other state sources.

Sec. 6. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

Subd. 5a. The amount of money received by a school district for any year pursuant to section 124.10, subdivision 2, shall be deducted from the foundation aid earned by the district for the same year.

Sec. 7. Minnesota Statutes 1976, Section 124.212, Subdivision 6b, is amended to read:

Subd. 6b. For the ~~1975-1976~~ 1977-1978 school year a district shall receive in foundation aid the lesser of (1) ~~\$900~~ \$1,025 per pupil unit less ~~30~~ 29 mills times the ~~1973~~ 1975 adjusted assessed valuation of the district, or (2) the amount that bears the same relation to the difference in (1) as the sum of the greater sum computed pursuant to Minnesota Statutes 1974 1976, Section 124.212, Subdivision 7a, Clause (2), and the greater of (a) ~~one-half five-sixths~~ of the difference that results when such greater sum is subtracted from ~~\$900~~ \$1,025, or (b) ~~\$75~~ \$65, bears to ~~\$900~~ \$1,025.

Sec. 8. Minnesota Statutes 1976, Section 124.212, Subdivision 7b, is amended to read:

Subd. 7b. For the ~~1976-1977~~ 1978-1979 school year a district shall receive in foundation aid the lesser of ~~(1)~~ ~~\$960~~ \$1,075 per pupil unit less 29 mills times the ~~1974~~ 1976 adjusted assessed valuation of the district, or ~~(2)~~ the amount that bears the same relation to the difference in ~~(1)~~ as the sum of the greater sum computed pursuant to subdivision 6b, clause ~~(2)~~, and the greater of ~~(a)~~ two-thirds of the difference that results when such greater sum is subtracted from ~~\$960~~, or ~~(b)~~ \$60, bears to ~~\$960~~.

Sec. 9. Minnesota Statutes 1976, Section 124.212, Subdivision 8a, is amended to read:

Subd. 8a. (1) Notwithstanding any provisions of any other law to the contrary, the adjusted assessed valuation used in calculating foundation aid shall include only that property which is currently taxable in the district. For districts which received payments under sections ~~124.215- subdivision 2a; 124.25, 124.28; 124.30; 473.633 and 473.635;~~ the foundation aid shall be reduced by: The previous year's payment to the district pursuant to said sections times the ratio of the maximum levy allowed

the district under section 275.125, subdivision 2a, to the total levy allowed by section 276.126, but not to exceed 45 percent in 1975-1976 and 50 percent in 1976-1977 of the previous year's payments plus, in the case of a school district which, in whole or in part, contains a tax increment district established after July 1, 1977, an additional amount equal to the captured assessed value of the property contained in the tax increment district which is within the school district boundaries.

As used in this clause "tax increment district" shall mean a geographic area designated after July 1, 1977 as a municipal development district which is financed pursuant to the provisions of sections 472A.07 and 472A.08; or as a municipal housing and redevelopment project financed pursuant to the provisions of section 462.585; or as a municipal industrial development project financed pursuant to the provisions of section 474.10; or as an industrial development district financed pursuant to the provisions of section 458.192, subdivision 11.

As used in this clause, "captured assessed value" shall mean the amount by which the current assessed value exceeds the original assessed value as defined in section 472A.08 in a municipal development district; or the original taxable value as defined in section 462.585 for a municipal housing and redevelopment project and in section 474.10 for a municipal industrial development project; or the original valuation as defined in section 458.192, subdivision 11 for an industrial development district. Any amount contributed to an area-wide tax base under section 473F.08 shall not be included in the captured assessed value .

(2) For districts which received payments under sections 294.21 to 294.28; 298.23 to 298.28; 298.32; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; the foundation aid shall be reduced in the August-October adjustment payment or the next fiscal year's foundation aid payment, if necessary, by the previous fiscal year's payment to the district pursuant to said sections times the ratio of the maximum levy allowed the district under section 275.125, subdivision 2a, to the total levy allowed by section 275.125 for collection in the calendar year ending during the aforementioned fiscal year, but not to exceed 40 percent in the August 1975 adjustment, 45 percent in the August 1976 adjustment, and 50 percent in the August 1977 adjustment of the previous fiscal year's payment.

Sec. 10. Minnesota Statutes 1976, Section 124.212, Subdivision 11, is amended to read:

Subd. 11. (a) The committee shall not increase the adjusted assessed valuation, exclusive of property valuation added, improved, reclassified, or reassessed since the prior assessment, of taxable property for 1962 or any subsequent year in any school district by more than eight percent over the certified valuation established for the year immediately preceding. As used in this

subdivision, "valuation added" shall include the captured assessed value of a tax increment district established after July 1, 1977 as that amount is added to the adjusted assessed valuation used in calculating foundation aid in subdivision 8a of this section.

(b) The sales ratio studies, or any part thereof, or any copy of the same, or records accumulated in preparation thereof, which are prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids pursuant to this section shall not be admissible in evidence in any proceeding, except actions for review of the determination of the school aids payable under this section.

Sec. 11. *Notwithstanding the provisions of any law to the contrary, no tax increment district, as defined in section 124.212, subdivision 8a, clause (1), shall be established after July 1, 1977 without the approval of a majority of the members of each school board of each school district which will contain a portion of that tax increment district within its boundaries in whole or in part.*

Sec. 12. Minnesota Statutes 1976, Section 124.213, is amended to read:

124.213 [AID RECAPTURE.] *Subdivision 1. In any year when the amount of the maximum levy allowed for any district by section 275.125, subdivision 2a, clause (1) or (2), exceeds the product of (a) the district's foundation aid formula allowance for the corresponding school year under section 124.212 and (b) the number of pupil units computed for the district under section 124.17 for that school year, an amount equal to the difference between the levy as certified and the specified product shall be deducted in the following order from the aids for the purposes specified receivable during the same school year pursuant to the following sections: (1) transportation aid pursuant to section 124.222; (2) secondary vocational aid pursuant to section 124.57; (3) special education aid pursuant to section 124.32. For the 1977-1978 school year, the foundation aid formula allowance shall equal the lesser of \$1,015 or the sum of the greater sum computed pursuant to section 124.212, subdivision 7b, clause (2), and the greater of (a) five-sixths of the difference that results when such greater sum is subtracted from \$1,015, or (b) \$55. This section shall apply to school years commencing with the 1977-1978 school year; provided, deductions pursuant to this section shall be limited to the following percentages of the difference between the specified product and the certified levy in the school years indicated: 20 percent of the difference in the 1977-1978 school year; 60 percent of the difference in the 1978-1979 school year; and 100 percent of the difference in the 1979-1980 school year and each school year thereafter.*

Subd. 2. For the 1977-1978 school year, the foundation aid formula allowance shall equal the lesser of \$1,025 or the sum of the greater sum computed pursuant to section 124.212, subdivision 7b, clause (2), and the greater of (a) five-sixths of the difference that results when such greater sum is subtracted from \$1,025, or

(b) \$65. The foundation aid formula allowance shall be \$1,075 for the 1978-1979 school year.

Sec. 13. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

Subd. 21. Foundation aids and categorical school aids shall be paid to the district of residence unless otherwise specifically provided by law.

Sec. 14. Minnesota Statutes 1976, Section 124.24, is amended to read:

124.24 [EMERGENCY AID.] *Subdivision 1. Emergency aid is money paid by the state to a district which by reason of physical calamity, high tax delinquency or excessive debt, or a combination thereof, or by other justifiable cause is unable by taxation to collect sufficient revenue to maintain its schools therefrom or in compliance with minimum standards established by the state board. Such aid will be paid only when specifically directed by the state board.*

Subd. 2. Any school district which applies for aid under this section shall be subject to a review of its total financial condition by representatives of the state board of education to determine the need for assistance.

Sec. 15. Minnesota Statutes 1976, Section 275.125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In 1975 1977, a school district may levy for all general and special school purposes, an amount equal to the amount raised by 29 mills times the 1974 adjusted assessed valuation of the taxable property of the district for the preceding year times the number of mills, not to exceed 29, that bears the same relation to 29, as the greater sum computed pursuant to section 124.212, subdivision 7b, clause (2), bears to \$960.

(2) In 1976 1978, a school district may levy for all general and special school purposes, an amount equal to the amount raised by 29 mills times the 1975 adjusted assessed valuation of the taxable property of the district for the preceding year times the number of mills, not to exceed 29, that bears the same relation to 29, as the sum of the greater sum computed pursuant to section 124.212, subdivision 7b, clause (2), and the greater of (a) five-sixths of the difference that results when such greater sum is subtracted from \$1015, or (b) \$55, bears to \$1015.

(3) For any district levying less than 95 percent of the maximum levy allowable in clauses (1) and (2), beginning with the levy certified in 1976, payable in 1977, the foundation aid to the district for the 1977-1978 school year, and for subsequent levies, foundation aid for subsequent school years, calculated pursuant to section 124.212, shall be reduced by 50 percent of the amount of the difference between the actual levy and the maximum levy allowable under clauses (1) and (2). In the application of this clause, the maximum levy allowable under clauses (1) and (2)

shall be reduced by any reduction of this levy which is required by section 275.125, subdivision 9 or any other law.

(4) (a) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held in a single year to approve a levy increase which will commence in a specific school year. The question on the ballot shall be whether a specific millage which will yield a specific amount based on the most recent assessed valuation may be added to that authorized by clauses (1) or (2) state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply. If approved, the amount provided by the millage approved applied to each year's taxable assessed valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked by the voters of the district at a subsequent referendum, which.

(b) A referendum on the question of revoking the increased levy amount authorized pursuant to clause (a) of this clause may be called by the school board and which shall be called by the school board upon the written petition of qualified voters of the district unless the petition for revocation is submitted in the same year in which a levy has been increased by the voters pursuant to this clause. The amount approved by the voters of the district pursuant to clause (a) of this clause must be levied at least once before it is subject to a referendum on its revocation for subsequent years. Only one such revocation election may be held to revoke a levy for any specific year and for years thereafter.

(c) A petition authorized by clauses (a) or (b) of this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or 10 percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board unless the petition for revocation is submitted in the same year in which a levy has been increased by the voters pursuant to this clause.

(d) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

Sec. 16. Minnesota Statutes 1976, Section 275.125, Subdivision 9, is amended to read:

Subd. 9. (1) Districts which receive payments which result in deductions from foundation aid pursuant to section 124.212, sub-

division 8a, clause (1), shall reduce the permissible levies authorized by subdivisions 3 to 14 by that portion of the previous year's payment not deducted from foundation aid on account of the payment. The levy reductions shall be made in the proportions that each permissible levy bears to the sum of the permissible levies. Reductions in levies pursuant to this clause, subdivision 10 of this section, and section 273.138, shall be made prior to the reductions in clause (2).

(2) (1) Notwithstanding any other law to the contrary, districts which received payments pursuant to sections 294.21 to 294.28; 298.23 to 298.28; 298.32; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; shall not include a portion of these aids in their permissible levies pursuant to those sections, but instead shall reduce the permissible levies authorized by this section to be certified in the calendar year in which the deduction from foundation aid is made pursuant to section 124.212, subdivision 8a, by the portion of the previous fiscal year's payment which was not deducted from foundation aid in that calendar year pursuant to section 124.212, subdivision 8a.

(3) (2) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to subdivision 2a, clause 1 or 2, to an amount less than the amount raised by a levy of 10 mills times the adjusted assessed valuation of that district for the preceding year as determined by the equalization aid review committee. The amount of any increased levy authorized by referendum pursuant to subdivision 2a, clause (4) shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision.

(4) (3) Notwithstanding any law to the contrary, any amounts received by districts in any fiscal year after fiscal year 1975 pursuant to sections 294.21 to 294.28; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; or any law imposing a tax on severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; and not deducted from foundation aid pursuant to section 124.212, subdivision 8a, clause (2), and not applied to reduce levies pursuant to this subdivision shall be paid by the district to the commissioner of finance in the following amounts pursuant to this clause on the designated dates: on or before March 15, 1977, 20 percent of the amounts received in fiscal 1976 and not deducted from foundation aid in August 1976 or thereafter and not applied to reduce 1976 payable 1977 levies; on or before March 15, 1978, 60 percent of the amounts received in fiscal 1977 and not deducted from foundation aid in August October 1977 or thereafter and not applied to reduce 1977 payable 1978 levies; on or before March 15, 1979 and March 15 of each year thereafter, 100 percent of the amounts received in the preceding fiscal year and not deducted from foundation aid in the

preceding August *October or thereafter* and not applied to reduce levies certified in the preceding October. The commissioner of finance shall deposit any amounts received pursuant to this clause in the taconite property tax relief fund in the state treasury, established pursuant to section 16A.70 for purposes of paying the taconite homestead credit as provided in section 273.135.

Sec. 17. [REPEALER.] *Minnesota Statutes 1976, Sections 124.14, Subdivision 2; 124.19, Subdivision 2; 124.212, Subdivisions 3a and 19; and 124.221, are repealed.*

Sec. 18. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [FOUNDATION AID.] For foundation aid there is appropriated:

\$595,100,000 1978

This amount includes \$45,500,000 for aid for fiscal year 1977 payable in fiscal year 1978, and \$549,600,000 for aid for fiscal year 1978 payable in fiscal year 1978. It also includes \$150,000 for emergency aid pursuant to section 124.24.

\$574,600,000 1979

This amount includes \$52,500,000 for aid for fiscal year 1978 payable in fiscal year 1979, and \$522,100,000 for aid for fiscal year 1979 payable in fiscal year 1979.

Subd. 3. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

ARTICLE II

TRANSPORTATION AID PROGRAM

Section 1. Minnesota Statutes 1976, Section 124.14, Subdivision 1, is amended to read:

124.14 [DISTRIBUTION OF SCHOOL AIDS; APPROPRIATION.] *Subdivision 1. The state board shall supervise distribution of the school aids in accordance with law. It may make rules and regulations consistent with law for such distribution which will enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for such reports and accounts to it as will assure accurate and lawful apportionment of aids. It shall require that the pupil unit count of a minimum of 25 school districts be audited each*

fiscal year. The audits shall be conducted at random throughout the state with no prior notice to any district. *At the time of each audit, the auditors shall also examine the appropriate factors that related to the determination of the authorized transportation costs and aids for that district.* Disparities between pupil unit counts or transportation data reported by the school districts and those found by the auditors shall be reported to the commissioner who shall order an increase or reduction of foundation or transportation aids accordingly. A reduction of foundation or transportation aid under this section may be appealed to the state board of education and its decision shall be final. Public schools shall at all times be open to the inspection of the state board, and the accounts and records of any district are open to inspection by the state auditor, or the state board.

Sec. 2. Minnesota Statutes 1976, Section 124.222, Subdivision 1a, is amended to read:

Subd. 1a. [COMPUTATION.] For the ~~1975-1976~~ *1977-1978* school year the state shall pay to each school district for all school transportation and related services for which the district is authorized by law to receive state aid:

(1) The lesser product of either:

(a) The actual net operating cost per eligible pupil transported during the ~~1976~~ *1978* fiscal year times the number of eligible pupils transported during the ~~1976~~ *1978* fiscal year; or

(b) One hundred ~~eighteen~~ *seventeen* percent of the actual net operating cost per eligible pupil transported during the ~~1974~~ *1976* fiscal year, times the number of eligible pupils transported during the ~~1976~~ *1978* fiscal year;

(2) Minus the amount raised by a levy of one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy collected in calendar year ~~1975~~ *1977* ;

(3) Plus, the amount of depreciation for one year on the school bus fleet computed by the department of education on a straight line basis at the rate of $12\frac{1}{2}$ percent per year of the cost of the fleet. The net cost after salvage of all equipment added to or installed in a school bus specifically to meet special needs of handicapped individuals shall be added to the remaining undepreciated value of that bus and depreciated over the remainder of the depreciation term for that bus ;

(4) *Plus, the amount of depreciation for one year on school buses reconditioned by the department of corrections. This depreciation shall be computed by the department of education on a straight line basis at the rate of $33\frac{1}{3}$ percent per year of the cost of the reconditioning .*

Sec. 3. Minnesota Statutes 1976, Section 124.222, Subdivision 1b, is amended to read:

Subd. 1b. [COMPUTATION.] For the ~~1976-1977~~ *1978-1979* school year the state shall pay to each school district for all

school transportation and related services for which the district is authorized by law to receive state aid:

(1) The lesser product of either:

(a) The actual net operating cost per eligible pupil transported during the ~~1977~~ 1979 fiscal year times the number of eligible pupils transported during the ~~1977~~ 1979 fiscal year; or

(b) One hundred ~~twenty-four~~ *twenty-seven* percent of the actual net operating cost per eligible pupil transported during the ~~1974~~ 1976 fiscal year, times the number of eligible pupils transported during the ~~1977~~ 1979 fiscal year ;

(2) Minus the amount raised by a levy of one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy collected in calendar year ~~1976~~ 1978 ;

(3) Plus, the amount of depreciation for one year on the school bus fleet computed by the department of education on a straight line basis at the rate of $12\frac{1}{2}$ percent per year of the cost of the fleet. The net cost after salvage of all equipment added to or installed in a school bus specifically to meet special needs of handicapped individuals shall be added to the remaining undepreciated value of that bus and depreciated over the remainder or the depreciation term for that bus ;

(4) *Plus, the amount of depreciation for one year on school buses reconditioned by the department of corrections. This depreciation shall be computed by the department of education on a straight line basis at the rate of $33\frac{1}{3}$ percent per year of the cost of the reconditioning .*

Sec. 4. Minnesota Statutes 1976, Section 124.222, Subdivision 2a, is amended to read:

Subd. 2a. [HANDICAPPED PUPIL TRANSPORTATION; COST.] (1) In addition to the amounts authorized in subdivision 1a, if the actual net operating cost per eligible handicapped pupil transported during the ~~1976~~ 1978 fiscal year exceeds ~~128~~ 127 percent of the actual net operating cost per eligible handicapped pupil transported during the ~~1974~~ 1976 fiscal year, the state shall pay to the district 80 percent of the cost for this handicapped transportation in excess of this ~~128~~ 127 percent.

(2) In addition to the amounts authorized in subdivision 1b, *if the actual net operating cost per eligible handicapped pupil transported during the ~~1977~~ 1979 fiscal year exceeds ~~134~~ 137 percent of the actual net operating cost per eligible handicapped pupil transported during the ~~1974~~ 1976 fiscal year, the state shall pay to the district 80 percent of the costs for this handicapped transportation in excess of this ~~134~~ 137 percent.*

Sec. 5. Minnesota Statutes 1976, Section 124.222, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible

school year program, the state shall pay to each school district 30 percent of its estimated school transportation aid entitlement for the fiscal year on or before each of the following dates: ~~September 30~~ August 31, December 31, and March 31. *The amount of transportation aid for school bus depreciation shall be paid on or before September 30.* The actual balance due the district shall be paid on or before ~~August~~ October 31 of the following fiscal year.

Sec. 6. Minnesota Statutes 1976, Section 124.222, Subdivision 6, is amended to read:

Subd. 6. [BOUNDARY MODIFICATIONS, COST CHANGES.] For the purposes of payment of transportation aids in the 1976 1978 fiscal year and thereafter, the commissioner of education may adjust the base cost per eligible pupil transported during the 1974 1976 fiscal year to reflect changes in cost resulting from the following:

(a) alterations in school district boundaries if application is made prior to December 15 of the school year following the year in which the alterations are made;

(b) omissions in school district reports if application is made prior to December 15, 1977;

(c) the addition by the district of an authorized transportation aid category if that category of transportation was not provided during the 1976 fiscal year if application is made prior to December 15 of the school year following the year in which the additional transportation is provided;

(d) omissions in school district reports determined by the legislative auditor;

(e) increased costs resulting from changes in transportation patterns required by a school closing provided that (1) the cost increases can be demonstrated to be a direct result of the closing; (2) the increases result in costs above the formula limitation; and (3) applicatoin is made prior to December 15 of the school year following the year in which the closing occurs.

In the 1978 fiscal year and thereafter, the commissioner shall appropriately adjust the base cost per eligible pupil transported during the 1976 fiscal year to reflect changes in costs resulting from changes in school bus fleet ownership from district owned and managed to privately owned and contracted or from privately owned and contracted to district owned and managed. Districts shall report any such changes to the commissioner within 60 days of the date the changes are made.

Prior to making any base cost change pursuant to this subdivision, the department shall examine the appropriate factors that related to the determination of the authorized transportation costs and aid for that district .

Sec. 7. Minnesota Statutes 1976, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.] For the ~~1974-1975~~ 1977-1978 school year and thereafter, school transportation and related services for which state transportation aid is authorized are:

(1) Transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a private school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to private school pupils;

(2) Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) Transportation ~~for residents~~ to and from a state board approved secondary vocational center *for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center*;

(4) Transportation or board and lodging of a handicapped pupil when ~~he~~ *that pupil* cannot be transported on a regular school bus, and the conveying of handicapped pupils between home and school and within the school plant;

(5) When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) Transportation for resident pupils to and from an instructional community-based employment station which is part of an approved occupational experience secondary vocational program;

(7) Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education;

(8) Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(9) *Fifty percent of the cost, but not to exceed \$100 per pupil, of transportation to, from, or between educational facilities located in any of two or more adjacent school districts engaged in a joint educational program approved by the commissioner for curricular and academic classes for resident pupils of any of the districts participating in the joint program;*

~~(9)~~ (10) Services described in clauses (1) to (8) when provided in conjunction with a state board approved summer school program.

Sec. 8. Minnesota Statutes 1976, Section 275.125, Subdivision 5, is amended to read:

Subd. 5. For school transportation services, a school district may levy an amount not to exceed the amount raised by a levy of one mill times the adjusted assessed valuation of the taxable property of the district for the preceding year. A district may levy under this subdivision for the annual cash payments to be made for the purchase of buses, but only for that portion of the payments not offset by state transportation aid received on account of depreciation. Beginning with the levy certified in 1976, a district may levy for transportation costs or other related services which are approved by the commissioner as necessary because of extraordinary traffic hazards for the current fiscal year. *Upon approval of the commissioner, a district may levy for increased transportation costs resulting from changes in transportation patterns required by leasing a school in another district provided that the cost increases can be demonstrated to be a direct result of leasing that school and the increases result in costs above the formula limitation. The commissioner shall approve a specific dollar amount which may be levied because of these increased costs.*

Sec. 9. [REPEALER.] *Minnesota Statutes 1976, Sections 123.80, Subdivision 1 and 124.222, Subdivisions 4 and 5, are repealed.*

Sec. 10. [APPROPRIATION.] *There is appropriated from the general fund to the department of corrections the sum of \$200,000 for the year ending June 30, 1978 and the sum of \$216,000 for the year ending June 30, 1979 for the reconditioning of school district owned buses by that department. The appropriations in this section include \$50,000 in 1978 and \$25,000 in 1979 for start-up costs incurred for this program. School buses reconditioned by the department of corrections shall be eight years old or older or have high mileage or be in extensive need of repair.*

Sec. 11. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [TRANSPORTATION AID.] *For transportation aid there is appropriated:*

\$74,430,000 1978

This amount includes \$6,546,000 for aid for fiscal year 1977 payable in fiscal year 1978, and \$67,884,000 for aid for fiscal year 1978 payable in fiscal year 1978.

\$78,024,000 1979

This amount includes \$7,693,000 for aid for fiscal year 1978 payable in fiscal year 1979, of which not to exceed \$500,000 is for transportation aid pursuant to section 124.222, subdivision 2a; not to exceed \$150,000 is for aid for transportation authorized pursuant to section 124.223, clause (6); and not to exceed \$100,000 is for aid for transportation authorized pursuant to section 7, clause (9) of

this article. This amount also includes \$70,331,000 for aid for fiscal year 1979 payable in fiscal year 1979.

Subd. 3. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

ARTICLE III SPECIAL EDUCATION AID PROGRAM

Section 1. Minnesota Statutes 1976, Section 120.17, Subdivision 1a, is amended to read:

Subd. 1a. School districts may provide special instruction and services through the school year in which the pupil reaches age 25 for trainable mentally retarded pupils as defined in section 120.03, subdivision 4, who have attended public school less than nine years prior to September, 1975.

Any district may provide programs for these trainable mentally retarded pupils living within the district, including nonresident pupils temporarily placed in the district pursuant to section 120.17, subdivision 6 or 7. Prior to October 1, the providing district shall give notice to the district of residence of any nonresident pupil placed in the district pursuant to subdivision 6 or 7, of its intention to provide these programs and bill the district of residence for the actual unreimbursed costs of providing the program. The unreimbursed actual cost of providing the program for eligible nonresident pupils shall be billed to the district of the pupil's residence and shall be paid by the resident district.

Sec. 2. Minnesota Statutes 1976, Section 123.581, Subdivision 1, is amended to read:

123.581 [PROGRAMS FOR IN-SERVICE TRAINING FOR REGULAR CLASSROOM TEACHERS IN TECHNIQUES OF EDUCATION OF HANDICAPPED PUPILS.] Subdivision 1. [ESTABLISHMENT.] ~~Pilot~~ Programs for in-service training for regular classroom teachers in techniques of education of ~~mildly learning disabled and retarded~~ *handicapped* pupils shall be established in school districts designated by the state board of education. Funds for these ~~pilot~~ programs shall be granted by the state board upon the recommendation of the advisory council for ~~special education of mildly learning disabled pupils and mildly retarded in-service training for regular classroom teachers in techniques of education of handicapped pupils.~~ *Handicapped pupils for the purposes of this section are those defined in Minnesota Statutes, Section 120.03.*

Sec. 3. Minnesota Statutes 1976, Section 123.581, Subdivision 2, is amended to read:

Subd. 2. [ADVISORY COUNCIL.] There is hereby established the advisory council for ~~special education of mildly learning disabled pupils and mildly retarded~~ *in-service training for regular classroom teachers in techniques of education of handicapped pupils* which shall be responsible for recommending grants for and assisting the districts in developing the ~~pilot~~ programs of in-service teacher training.

Sec. 4. Minnesota Statutes 1976, Section 123.581, Subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP.] The advisory council shall consist of 12 members who shall be appointed by the commissioner of education. Nine members shall be professionally qualified in the fields of special or general education, and three shall be public members. The professionally qualified members shall be representative of teacher training departments or institutions, educators acting as consultants in the field of special learning behavior problems, mental retardation, and other educational handicaps, *classroom teachers* and the department of education. The public members shall be representative of associations and organizations concerned with the problems of ~~learning disabled pupils and retarded~~ *handicapped* pupils.

Sec. 5. Minnesota Statutes 1976, Section 123.581, Subdivision 6, is amended to read:

Subd. 6. [REQUIREMENTS FOR PROGRAMS.] A grant received by the district shall be used solely for costs incurred in the in-service training of the teachers and shall not be used for any other general education or special education functions. Applications for grants may be considered from districts initiating an in-service training program or continuing an existing program. A single district may initiate or continue a program or may join with another district or other districts. A district may cooperate with other districts in a special educational regional council, educational service area, or educational cooperative service unit wherever such arrangement is available. Distribution of funds between or among the ~~pilot~~ programs shall depend upon the needs of the district, its population, and the number of teachers to be trained in the program. There is no requirement that funds be equally distributed.

Sec. 6. Minnesota Statutes 1976, Section 124.32, is amended to read:

124.32 [HANDICAPPED CHILDREN.] Subdivision 1. The state shall pay to any district: (a) for the employment in its educational program for handicapped children, ~~no less than 55 and nor more than 75 60~~ percent of the salary of essential personnel, but this amount shall not exceed \$11,000 for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district;

(b) plus 10 percent of the salaries of essential personnel employed in its educational program for handicapped children, for the

purpose of recognizing additional support costs of educational programs for handicapped children † .

(c) less 25 percent of the foundation aid formula allowance for each handicapped child in average daily membership who re-receives special instruction and services for more than 50 percent of the time school is in session, except that no portion of the foundation aid formula allowance shall be deducted for pre-school handicapped children.

The state board shall promulgate rules establishing the method and criteria by which districts shall determine the percentage of time that handicapped children receive special instruction and service. The actual percent of the salaries of essential personnel to be applied by the state pursuant to clause (a) shall be determined by the commissioner within the limits of the appropriation for special education for the school year and shall be the same for all school districts in the state.

Subd. 1a. For purposes of this section, for the 1976-1977 school year, the foundation aid formula allowance per pupil unit shall be the lesser of \$960 or the greater sum computed pursuant to section 124.212, subdivision 7b, clause (2). Computations of foundation aid formula allowances pursuant to this section shall be based on the foundation aid formula allowance per pupil unit in the child's district of residence. For the purposes of computing foundation aid formula allowances pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1, clause (1) or (2).

Subd. 1b. For special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district †

(1) the 60 percent of the amount of the contract which is equal to the actual percent of the salaries of essential personnel paid by the state pursuant to subdivision 1, clause (a);

(2) less 25 percent of the foundation aid formula allowance of the district for that pupil .

Subd. 2. The state shall pay each district for supplies and equipment purchased or rented for use in the instruction of handicapped children an amount equal to one-half of the sum actually expended by the district but not to exceed an average of \$50 in any one school year for each handicapped child receiving instruction.

Subd. 3a. The purpose of this subdivision is to change the method of funding of educational programs for handicapped children from reimbursement based on past expenditures to a current funding basis. Beginning July 1, 1976, the state shall not reimburse expenditures from the 1975-1976 school year programs, including 1976 summer school programs, but shall pay aids for the 1976-1977

school year programs and for each year thereafter on a current funding basis. The aids provided for educational programs for handicapped children shall be paid on a current funding basis.

Subd. 4. The aids provided for handicapped children shall be paid to the district providing the special instruction and services. Foundation aid shall be paid to the district of the pupil's residence. The total amount of aid paid may not exceed the amount expended for handicapped children in the school year for which the aid is paid.

Subd. 5. When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay to the resident district not to exceed the 60 percent of instructional costs charged to the resident district which is equal to the actual percent of the salaries of essential personnel paid by the state pursuant to subdivision 1, clause (a), less the foundation aid formula allowance in per pupil unit payable to the resident district for each handicapped child placed in a residential facility. Not more than \$400,000 shall be spent annually for purposes of implementing this subdivision. If that amount does not suffice, the aid shall be pro rated among all qualifying districts.

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by a public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children, either within or outside of the state, or, a state residential school outside of the state.

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children either within or outside of the state.

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Subd. 6. The state shall pay each district the actual cost incurred in providing instruction and services for a handicapped child whose district of residence has been determined by section 120.17, subdivision 8a, and who is temporarily placed in a state institution or a licensed residential facility for care and treatment. This section does not apply for a child placed in a foster home or a foster group home.

Upon following such procedure as requested by the commissioner of education a district providing instruction and services for such handicapped child may bill the state the actual cost incurred in providing said services including transportation costs and a proportionate amount of capital outlay and debt service, minus the amount of the foundation aid formula allowance for the child and the special education aid, transportation aid, and

any other aid earned in behalf of such child, such action pursuant to limits set forth in subdivision 4.

Subd. 7. Before June 1, 1976 and before May 1 of each year thereafter, each district providing special instruction and services to handicapped children shall submit to the commissioner an application for approval of these programs and their budgets for the next school year. The application shall include an enumeration of the costs eligible for state aid pursuant to this section and of the estimated number and grade level of handicapped children in average daily membership in the district who will receive special instruction and services for more than 50 percent of the time school is in session during the next school year. The application shall also include any other information deemed necessary by the commissioner for the calculation of state aid and the evaluation of the program's compliance with the rules and standards of the state board. On or before August 1, 1976 and before July 1 of each year thereafter, the commissioner shall approve, disapprove or modify each application, and notify each applying district of his action and of the estimated level amount of aid for the programs determined pursuant to subdivision 1. The commissioner shall provide procedures for districts to submit additional applications for program and budget approval during the school year, for programs needed to meet changes in the needs of handicapped children in the district.

Subd. 8. When planning programs for the education of handicapped children in the regular classroom, school districts are encouraged to consider the size of the regular class and to provide the support services necessary to insure successful mainstreaming.

Subd. 9. Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program the state shall pay to each school district 30 percent of its estimated special education aid for the school year on or before each of the following dates: ~~September 30~~ August 31, December 30 and March 31. The final aid distribution to the district shall be made on or before ~~August 31~~ October 31 of the following year.

Subd. 10. *The state shall pay aid for 1977 summer school programs for handicapped children on the basis of the formula applicable to the 1977-78 school year.* Beginning with the summer of 1977-1978, the state shall pay aid for summer school programs for handicapped children on the basis of the sections of Minnesota Statutes providing aid for handicapped children for the preceding school year. On or before March 15, 1977, and March 15 of each year thereafter, districts shall submit separate applications for program and budget approval for summer school programs. By May 1, 1977, and May 1 of each year thereafter, the commissioner shall approve, disapprove or modify the applications and notify the districts of his action and of the estimated level amount of aid for the summer school programs. Aid for these programs shall be paid on or before the October 1 after the summer when the programs are conducted.

Subd. 11. (1) Notwithstanding the provisions of subdivision 3a, Special School District No. 1 shall implement the change from reimbursement to current funding for aid to handicapped children as follows:

(a) The total amount of aid to handicapped children paid to the district each year shall be equal to the amount computed according to the current funding provisions of this section.

(b) The district may account for \$4,700,000 of the amount in clause (a) on a reimbursement basis until such time as the district is required to account for aid to handicapped children on a current basis pursuant to clause (3).

(c) For purposes of revenue recognition the \$4,700,000 designated in clause (b) shall be recognized as revenue of the fiscal year preceding the fiscal year of receipt. The amount calculated pursuant to clause (a) less the \$4,700,000 designated in clause (b) shall be recognized as revenue of the fiscal year of receipt.

(2) (a) Special School District No. 1 shall establish an "account for special education statutory operating debt" and a "reserve account for current financing of special education". These accounts shall be established immediately following April 14, 1976.

(b) The "account for special education statutory operating debt" shall reflect the \$4,700,000 accounted for on a reimbursement basis pursuant to clause (1) (b). The special education statutory operating debt reflected in this account shall be in addition to the statutory operating debt of the district determined pursuant to section 121-914.

(c) Notwithstanding the provisions of section 275-125, subdivision 9a, clause (2) the "reserve account for current financing of special education" rather than the "reserve account for purposes of reducing statutory operating debt" shall reflect the proceeds of the levy authorized pursuant to section 275-125 and the amount deposited pursuant to Laws 1976, Chapter 271, Section 94 until such time as the amount reflected in the "reserve account for current financing of special education" equals the amount reflected in the "account for special education statutory operating debt". Thereafter, the proceeds of the levy authorized pursuant to section 275-125, subdivision 9a shall be reflected in the "reserve account for purposes of reducing statutory operating debt".

(d) Until such time as the amount reflected in the "reserve account for current financing of special education" equals the amount reflected in the "account for special education statutory operating debt", the amount reflected in the "reserve account for current financing of special education" shall be used for the purposes for which special education aid may be used, however the amount reflected in this account shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's special education expenditures or budgets.

(c) Until such time as the amount reflected in the "reserve account for current financing of special education" equals the amount reflected in the "account for special education statutory operating debt", Special School District No. 1 may, in each year, issue certificates of indebtedness in anticipation of receipt of aid to handicapped children in an amount not to exceed \$4,700,000 less an amount equal to the amount reflected in the "reserve account for current financing of special education".

(3) When the amount reflected in the "account for special education statutory operating debt" equals the amount reflected in the "reserve account for current financing of special education" the district shall thereafter receive and account for aid to handicapped children on a current funding basis. *Special School District No. 1 shall be allowed to maintain as an appropriated fund balance in its general fund on June 30, 1977 the lesser of \$2,350,000 or the unexpected balance of the \$4,700,000 deficit financing authorized by Minnesota Statutes 1976, Section 124.32, Subdivision 11. This appropriated fund balance amount shall be treated by the commissioner the same as he would treat any appropriated fund balance amount for the purpose of calculating operating debt pursuant to section 121.914. Moreover, this amount shall only be available to finance the 1977-1978 special education budget of the district.*

This subdivision shall expire on July 1, 1978.

Sec. 7. Laws 1976, Chapter 271, Section 94, is amended to read:

Sec. 94. Notwithstanding the provisions of section 90 of this act, Special School District No. 1 may retain the amount of \$1,100,000 received in settlement of a proceeding before the tax court regarding the determination of the 1973 and 1974 adjusted assessed valuation of the property in the district by the equalization aid review committee. The amount retained pursuant to this section shall be deposited in the "reserve account for current financing of special education" established pursuant to section 52, subdivision 11, of this act "appropriated fund balance reserve account for purposes of reducing statutory operating debt" established pursuant to section 275.125, subdivision 9a.

Sec. 8. [APPROPRIATION.] *There is appropriated from the general fund to the department of education for the purposes of section 123.581 the sum of \$2,000,000 to be available until July 1, 1979. Of this amount, \$16,200 shall be available for the year ending June 30, 1978 for the employment of one-half professional and one-half clerical employee beyond the existing complement of the department of education; \$16,200 shall be available for the year ending June 30, 1979 for the employment of one-half professional and one-half clerical employee beyond the existing complement of the department; and \$2,800 shall be available until June 30, 1979 for the payment of other necessary expenses incurred in the administration of section 123.581.*

Sec. 9. [DEFICIENCY APPROPRIATION.] *The sum of \$3,489,150 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1977 for the*

payment of a deficiency in funds available for payment of special education aids in that fiscal year. This appropriation shall be added to the sums appropriated for fiscal year 1977 for special education aid in Laws 1975, Chapter 432, Section 96, Clause (3) and in Laws 1976, Chapter 271, Section 97, Subdivision 3.

Sec. 10. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [SPECIAL EDUCATION AID.] For special education aid there is appropriated:

\$70,818,000 1978

This amount includes \$8,640,000 for aid for fiscal year 1977 payable in fiscal year 1978, of which not to exceed \$2,888,000 is for special education aid for 1977 summer school programs; and of which not to exceed \$400,000 is for aid pursuant to section 124.32, subdivision 5. This amount also includes \$62,178,000 for aid for fiscal year 1978 payable in fiscal year 1978.

\$78,973,000 1979

This amount includes \$11,588,000 for aid for fiscal year 1978 payable in fiscal year 1979, of which not to exceed \$4,079,000 is for special education aid for 1978 summer school programs; and of which not to exceed \$400,000 is for aid pursuant to section 124.32, subdivision 5.

This amount also includes \$67,385,000 for aid for fiscal year 1979 payable in fiscal year 1979.

Subd. 3. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

Sec. 11. [EFFECTIVE DATE.] *Sections 2, 3, 4, 5, 8 and 9 of this article shall be effective the day following final enactment. Section 1 of this article shall be effective August 15, 1977.*

ARTICLE IV

COMMUNITY AND ADULT EDUCATION AID PROGRAMS

Section 1. Minnesota Statutes 1976, Section 124.26, Subdivision 4, is amended to read:

Subd. 4. The state shall pay to each school district 30 percent of its estimated adult education aid entitlement for the fiscal year on or before each of the following dates: ~~September 30~~

August 31, December 31, and March 31. The actual balance due the districts shall be paid on or before August ~~October~~ 31 of the following fiscal year.

Sec. 2. Minnesota Statutes 1976, Section 124.271, Subdivision 2, is amended to read:

Subd. 2. In fiscal year ~~1977~~ 1978 and each year thereafter, the state shall *match and* pay 50 cents per capita to each school district which is operating a community school program in compliance with the rules ~~established~~ *promulgated* by the state board and which has levied *at least* the lesser of \$1 per capita or the maximum permissible certified levy for community services pursuant to section 275.125, subdivision 8, *clause (1)*, for use in that year, *an amount which is equal to the dollar amount of the levy certified by that district for use in that year pursuant to section 275.125, subdivision 8, clause (1), but not to exceed \$1 per capita or \$5,000, whichever is greater.*

Sec. 3. Minnesota Statutes 1976, Section 275.125, Subdivision 8, is amended to read:

Subd. 8. (1) In ~~1975~~, and each year thereafter, a district with a population of more than 15,000 persons which has established a community school advisory council pursuant to section ~~121.88~~ may levy an amount of money raised by the greater of (A) ~~\$1~~ per capita, or (B) the number of EARC mills not to exceed the number of EARC mills necessary in ~~1973~~ to raise \$1 per capita in ~~1973~~. In ~~1975~~ 1977, and each year thereafter, a district with a population of fewer than 15,000 persons which has established a community school advisory council pursuant to section 121.88, may levy an amount of money raised by the greater of (A) \$2 per capita, or (B) the number of ~~E~~ARC mills not to exceed the number of ~~E~~ARC mills necessary in ~~1975~~ to raise \$2 per capita in ~~1975~~ amount certified pursuant to this subdivision in ~~1976~~. These levies shall be used for community services including ~~summer school~~, nonvocational adult programs, recreation and leisure time activity programs, and programs contemplated by sections 121.85 to 121.88.

(2) ~~A~~ district which provides 95 percent or more of the cost of the recreation program for the municipalities and townships in which the district or any part thereof is located and which levied pursuant to this clause in ~~1975~~ may, with the approval of the commissioner, levy on additional amount, not to exceed one mill times the adjusted assessed valuation of the district for the preceding year, to be used for the costs of the recreation program, provided that no district may levy pursuant to this clause an amount greater than its actual cost for providing these programs in the previous September to September period. In 1977 and each year thereafter, only Independent School Districts No. 77 and No. 24 shall be authorized to levy pursuant to this clause. Any district which levied pursuant to this clause in ~~1975~~ shall report to the department of education prior to January 15, 1977, on how these funds were expended.

(3) (2) A school district shall be authorized to make a levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education, certifying that members of the school board have met with members of the governing bodies of the county, municipality or township in which the school district, or any part thereof, is located, in order to discuss methods of increasing mutual cooperation between such bodies. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to make a levy pursuant to this subdivision.

(4) (3) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 4. [REPEALER.] *Minnesota Statutes 1976, Section 124.271, Subdivision 1, is repealed.*

Sec. 5. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [ADULT EDUCATION AID.] *For adult education aid pursuant to section 124.26, there is appropriated:*

\$594,000 1978

This amount includes \$54,000 for aid for fiscal year 1977 payable in fiscal 1978, and \$540,000 for aid for fiscal year 1978 payable in 1978.

\$600,000 1979

This amount includes \$60,000 for aid for fiscal year 1978 payable in fiscal year 1979, and \$540,000 for aid for fiscal year 1979 payable in fiscal year 1979.

Subd. 3. [G.E.D. REIMBURSEMENT AID.] *For G.E.D. reimbursement aid, there is appropriated:*

\$80,000 1978,

\$80,000 1979.

Subd. 4. [COMMUNITY EDUCATION AID.] *For community education aid, there is appropriated:*

\$3,530,000 1978,

\$3,765,000 1979.

Subd. 5. *Any unexpended balance remaining from the appro-*

priation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

ARTICLE V

VOCATIONAL AID PROGRAMS

Section 1. Minnesota Statutes 1976, Section 123.351, Subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The center board shall have the general charge of the business of the center and the ownership of facilities. Where applicable, section 123.36, shall apply. The center board may not issue bonds in its behalf. Each participating district may issue its bonds for the purpose of acquisition and betterment of center facilities in the amount certified by the center board to such participating district in accordance with chapter 475.

(b) The center board (1) may furnish vocational offerings to any eligible person residing in any participating district and ; (2) may provide special education for the handicapped and disadvantaged ; and (3) may provide any other educational programs or services agreed upon by the participating districts .

(c) In accordance with subdivision 5, clause (b), the center board shall certify to each participating district the amount of funds assessed to the district as its proportionate share required for the conduct of the educational programs, payment of indebtedness, and all other proper expenses of the center.

(d) The center board shall employ and contract with necessary qualified teachers and administrators and may discharge the same for cause pursuant to section 125.12. The board may employ and discharge other necessary employees and may contract for other services deemed necessary.

(e) The center board may provide an educational program for ~~high school~~ secondary and adult vocational phases of instruction. The high school phase of its educational program shall be offered as a component of the comprehensive curriculum offered by each of the participating school districts. Graduation shall be from the student's resident high school district. Insofar as applicable, sections 123.35 to 123.40, shall apply.

(f) The center board may prescribe rates of tuition for attendance in its programs by adults and nonmember district secondary students.

Sec. 2. Minnesota Statutes 1976, Section 124.562, Subdivision 1, is amended to read:

124.562 [POST-SECONDARY VOCATIONAL FOUNDATION AID.] Subdivision 1. For the ~~1976-1977~~ 1977-1978 school year a district shall receive post-secondary vocational foundation aid in the amount of ~~\$2,000~~ \$2,120, *and in the 1978-1979 sc the amount of \$2,240*, times the number of post-secondary vocational-technical pupils in average daily membership, as defined in subdivision 2, less the sum of (1) any amounts received as tuition and fees for post-secondary vocational-technical pupils, (2) the amount raised by the minimum levy required in 1975 by section 275.125, subdivision 13, and (3) any amounts received for post-secondary vocational programs as federal vocational categorical aid and as special grants from state allocations of federal vocational funds, unless these grants are used to fund additional services beyond the normal program.

Sec. 3. Minnesota Statutes 1976, Section 124.563, Subdivision 1, is amended to read:

124.563 [POST-SECONDARY VOCATIONAL CATEGORICAL AND CAPITAL EXPENDITURE AID.] Subdivision 1. "Post-secondary vocational categorical aid" means all state and federal funds, exclusive of post-secondary vocational foundation, capital expenditure and debt service aid, apportioned by the state board for vocational education to local school districts for the purpose of assisting in the conduct of post-secondary vocational-technical training. No district shall qualify for post-secondary vocational categorical aid unless it has certified the minimum levy required by section 275.125, subdivision 13. This aid shall be given to districts conducting high cost programs which require funds in addition to the post-secondary vocational foundation aid provided. *Post-secondary vocational categorical aid shall not be allocated by the state board or expended by a district for any of the purposes for which post-secondary vocational capital expenditure aid is allocated or expended.*

Sec. 4. Minnesota Statutes 1976, Section 124.563, Subdivision 3, is amended to read:

Subd. 3. Post-secondary vocational categorical and capital expenditure aid shall be apportioned by the state board for vocational education at the consolidated public hearing held pursuant to section 124.561, subdivision 3. All post-secondary vocational categorical and capital expenditure aid approved at this public hearing shall be distributed to the districts on or before August 1, December 1, March 1 and June 1 of each year. Additional post-secondary vocational categorical and capital expenditure aid may be distributed on or before March 1 and June 1 of each year if it is apportioned at a consolidated public hearing held before February 15 of that year in the manner specified in section 124.561, subdivision 3a. On the date of each post-secondary vocational categorical and capital expenditure aid payment, the state board shall report to the appropriate committees of the legislature on the distribution of post-secondary vocational categorical and capital expenditure aid. *A separate report shall be submitted for each distribution of each aid.* The report shall include (a) the recipients of the aid; (b) the amounts distributed, and (c) the *specific* reasons for these distributions *to each district* .

Sec. 5. Minnesota Statutes 1976, Section 124.565, Subdivision 1, is amended to read:

124.565 [POST-SECONDARY VOCATIONAL EDUCATION TUITION.] Subdivision 1. Any Minnesota resident who is under 21 years of age may attend a post-secondary vocational-technical school ~~without tuition~~, provided that the individual meets the entrance requirements for the training course in which enrollment is sought and the school has the room and the facility to receive him. *Tuition at a post-secondary vocational-technical school for a Minnesota resident who is under 21 years of age shall be 60 cents per day for each school day the pupil is enrolled. The state board for vocational education shall recommend to the 1978 session of the legislature tuition rates for post-secondary vocational-technical schools for Minnesota residents under 21 years of age. The recommendations shall be based on the costs of post-secondary vocational-technical education and the salary levels in the fields of instruction at the post-secondary vocational-technical schools.*

Sec. 6. Minnesota Statutes 1976, Section 124.565, Subdivision 3, is amended to read:

Subd. 3. Tuition at a post-secondary vocational-technical school for a Minnesota resident pupil ~~who does not come within the exemptions provided in subdivisions 1 and 2, who has attained the age of 21 years~~ shall be two dollars per day for each school day the pupil is enrolled.

Sec. 7. Minnesota Statutes 1976, Section 124.57, is amended to read:

124.57 [AID FOR VOCATIONAL EDUCATION.] Whenever any district shall have established a vocational school, department, or classes in accordance with the rules and regulations established by the state board adopted by that board, and the plan for vocational education, and approved by the United States office of education or other federal agency to which its functions are assigned, the state board shall reimburse such district or state tax supported institution for its expenditures for salaries and necessary travel of vocational teachers or other reimbursable expenditures from federal funds and may supplement such federal funds with such state aid as it may deem desirable under such rules as it may adopt, provided, however, that in the event of such funds not being sufficient to make such reimbursement in full, the state board shall prorate the respective amounts available to the various districts entitled to receive reimbursement. All instruction may be given at the place of the abode of the pupils, and adults may be given instruction in adjoining or nearby districts.

In like manner the state board shall have power to reimburse other governmental agencies for expenditures for salaries and necessary travel expenses of vocational teachers from federal funds, according to rules and regulations adopted by the state board.

When local districts desire but cannot provide vocational instruction for the related training required by apprentices and

other learners in the trade, industrial, and distributive fields, the state board is empowered upon request of such local district or districts to employ itinerant vocational teachers to provide this service and pay the salary and necessary travel expense from authorized federal and state vocational aid funds under such rules as it may adopt. An itinerant vocational teacher in this section is defined as a vocational teacher employed to give part-time or periodic vocational instruction in one or more districts.

This section shall apply only to secondary and adult vocational education programs in the 1977-1978 school year. Sections 124.561 to 124.565 shall not apply to secondary and adult vocational education programs. Laws 1975, Chapter 432, Section 03 shall be effective July 1, 1976.

Sec. 8. Minnesota Statutes 1976, Section 124.572, is amended to read:

124.572 [CURRENT FUNDING FOR ADULT VOCATIONAL EDUCATION.] *Subdivision 1.* The purpose of this section is to change the method of funding adult vocational programs from reimbursement based on past expenditures to a current funding basis. Beginning July 1, 1977, the state shall not reimburse expenditures from the 1976-1977 school year programs, but shall pay aids for the 1977-1978 school year programs and for each year thereafter on a current funding basis.

Subd. 2. In the 1977-1978 school year and thereafter, the state shall pay to any district 75 percent of the salaries paid to teachers in that school year for services rendered in that district's adult vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary travel by adult vocational education teachers. The aid paid by the state for salaries and travel pursuant to this subdivision shall be reduced by any authorized federal vocational aid funds paid by the department to that district or cooperative center for adult vocational programs.

Subd. 3. This aid shall only be paid for services rendered or for travel costs incurred in adult vocational education programs approved by the state department of education and operated in accordance with rules promulgated by the state board and with the state plan for vocational education.

Subd. 4. Boards may charge tuition for participation in adult vocational education programs. Nothing in this section shall prohibit the charging of differential tuition rates for residents or non-residents of a district. If adult vocational education is provided by another district or a cooperative center by contract pursuant to subdivision 5, the contract shall provide for this issue.

Subd. 5. Any board may contract with the board of a district containing a post-secondary vocational-technical school or the board of a cooperative center for the provision of adult vocational education services. The board contracted to provide the services may also act as fiscal agent for the other contracting district if so agreed. Information copies of all contracts shall be provided to the state department.

Subd. 6. All adult vocational education aid shall be paid to the district or cooperative center providing the services. The district providing the services may bill the contracting district for any unpaid costs incurred in providing these services if so agreed in the contract.

Subd. 7. Each district providing adult vocational education shall establish and maintain separate accounts for the receipt and disbursement of all funds related to these adult vocational education programs. All adult vocational education aid received by the district from any sources shall be utilized solely for the purposes of adult vocational education programs.

Subd. 8. The state shall pay to each school district 30 percent of its estimated adult vocational education aid for the school year on or before the following dates: August 31, December 30 and March 31. The final aid distribution to the district shall be made on or before October 31 of the following year. All adult vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.

Subd. 9. The state board shall promulgate rules relating to the maximum period for which an individual should be enrolled in an adult farm management or other adult vocational education program. Any individual enrolled in a program longer than this maximum period may be charged a tuition rate equal to the full cost of the program attributable to that individual.

Sec. 9. Minnesota Statutes 1976, Section 124.573, is amended to read:

124.573 [CURRENT FUNDING FOR SECONDARY VOCATIONAL EDUCATION.] *Subdivision 1.* The purpose of this section is to change the method of funding secondary vocational programs from reimbursement based on past expenditures to a current funding basis. Beginning July 1, 1978, the state shall not reimburse expenditures from the 1977-1978 school year programs, but shall pay aids for the 1978-1979 school year programs and for each year thereafter on a current funding basis.

Subd. 2. In the 1978-1979 school year and thereafter, the state shall pay to any district 50 percent of the salaries paid to teachers in that school year for services rendered in that district's secondary vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary supplies and equipment for these programs and 50 percent of the costs of necessary travel by secondary vocational education teachers. The aid paid by the state for salaries, supplies, equipment and travel pursuant to this subdivision shall be reduced by any authorized federal vocational aid funds paid by the department to that district or cooperative center for secondary vocational education programs.

Subd. 3. This aid shall only be paid for services rendered or for the costs designated in subdivision 2 which are incurred in secondary vocational education programs approved by the state department of education and operated in accordance with rules pro-

mulgated by the state board and with the state plan for vocational education.

Subd. 4. All secondary vocational education aid shall be paid to the district or cooperative center providing the services. All secondary vocational education aid received by a district or cooperative center from any source shall be utilized solely for the purposes of secondary vocational education programs.

Subd. 5. The state shall pay to each school district 30 percent of its estimated secondary vocational education aid for salaries, supplies, and travel for the school year on or before the following dates: August 31, December 30 and March 31. The state shall pay 90 percent of a district's estimated secondary vocational education aid for equipment for the school year on or before August 31. The final aid distribution to the district shall be made on or before October 31 of the following year. All secondary vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.

Sec. 10. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.577] [VOCATIONAL AID FOR THE HANDICAPPED AND DISADVANTAGED.] *It is the purpose of the legislature to provide vocational education programs for handicapped or disadvantaged persons according to standards of eligibility set by the state department of education in a state plan for vocational-technical education. Programs approved by the state department shall be conducted by local school districts, combinations of districts, cooperative centers or post-secondary vocational-technical schools. Programs shall include support services as necessary to provide the vocational education in the least restrictive setting possible.*

Sec. 11. Minnesota Statutes 1976, Section 275.125, Subdivision 13, is amended to read:

Subd. 13. Districts maintaining a post-secondary vocational-technical school shall levy for post-secondary vocational-technical purposes as follows:

(1) For districts in cities of the first class, a minimum of one-half mill up to a maximum of one mill, exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

(2) For districts formed pursuant to Laws 1967, Chapter 822, as amended, and Laws 1969, Chapters 775 and 1060 as amended, a minimum of one-half mill up to a maximum of one mill, exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

(3) For other districts maintaining post-secondary vocational schools, a minimum of one mill up to a maximum of ~~three~~ two mills, exclusive of debt service, times the adjusted assessed valua-

tion of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

Sec. 12. [REPEALERS.] *Minnesota Statutes 1976, Sections 124.562, Subdivisions 5 and 6; 124.563, Subdivision 4; and 124.565, Subdivision 5, are repealed.*

Sec. 13. [REPEALER.] *Minnesota Statutes 1976, Sections 124.565, Subdivision 2 and 124.57 are repealed. This section of this article shall be effective on July 1, 1978.*

Sec. 14. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [POST-SECONDARY VOCATIONAL FOUNDATION AID.] *For post-secondary vocational foundation aid, there is appropriated:*

\$59,675,000 1978,

\$60,800,000 1979.

Subd. 3. [POST-SECONDARY VOCATIONAL CATEGORICAL AID.] *For post-secondary vocational categorical aid, there is appropriated:*

\$6,500,000 1978,

\$6,000,000 1979.

Subd. 4. [POST-SECONDARY VOCATIONAL CAPITAL EXPENDITURE AID.] *For post-secondary vocational capital expenditure aid, there is appropriated:*

\$6,000,000 1978,

\$6,000,000 1979.

Subd. 5. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.] *For post-secondary vocational debt service aid, there is appropriated:*

\$7,608,380 1978,

\$7,814,865 1979.

Subd. 6. [POST-SECONDARY VOCATIONAL DEFICIT PAYMENT.] *For the post-secondary vocational deficit payment, there is appropriated:*

\$1,188,925 1978.

Subd. 7. [ADULT VOCATIONAL EDUCATION AID.] *For adult vocational education aid, there is appropriated:*

\$4,770,000 1978,

This amount includes \$4,770,000 for aid for fiscal year 1978 payable in fiscal year 1978 of which not to exceed \$162,180 is for necessary travel.

\$5,750,000 1979

This amount includes \$530,000 for aid for fiscal year 1978 payable in fiscal year 1979 of which not to exceed \$18,000 is for necessary travel. This amount also includes \$5,220,000 for aid for fiscal year 1979 payable in fiscal year 1979 of which not to exceed \$177,500 is for necessary travel.

Subd. 8. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.] *For veteran farmer cooperative training programs, there is appropriated:*

\$1,729,660	1978,
\$1,218,200	1979.

Subd. 9. [VOCATIONAL AID FOR THE HANDICAPPED AND DISADVANTAGED.] *For vocational aid for the handicapped and disadvantaged, there is appropriated:*

\$2,115,000	1978,
\$1,885,000	1979.

Of the amount in each year \$525,000 shall be allocated to secondary vocational education programs and \$100,000 shall be allocated to adult vocational education programs. The amount for fiscal year 1978 includes \$1,490,000 and the amount for fiscal year 1979 includes \$1,260,000 which shall be allocated for post-secondary vocational-technical education programs.

Subd. 10. [SECONDARY VOCATIONAL EDUCATION AID.] *For secondary vocational education aid, there is appropriated:*

\$16,000,000	1978,
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This amount includes not to exceed \$1,120,000 for aid for equipment for secondary vocational programs. This amount is based on expenditures in the 1976-1977 school year.

\$16,200,000	1979.
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This amount includes not to exceed \$1,134,000 for aid for equipment for secondary vocational programs. This amount is aid for fiscal year 1979 payable in fiscal year 1979 on a current funding basis.

Subd. 11. *Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

Sec. 15. [EFFECTIVE DATE.] *Section 5 of this article shall be effective on July 1, 1978.*

ARTICLE VI
OTHER AID AND LEVY PROGRAMS

Section 1. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.214] [AID ADJUSTMENTS.] *No adjustments to any aid payments made pursuant to this chapter, resulting from omissions in school district reports, except those adjustments determined by the legislative auditor, shall be made for any school year after December 15 of the next school year, unless otherwise specifically provided by law.*

Sec. 2. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.245] [CAPITAL EXPENDITURE EQUALIZATION AID.] *Subdivision 1. The state shall pay a school district the difference by which an amount equal to \$75 per pupil unit in that school year or, in districts where the pupil unit count is increased pursuant to section 124.17, subdivision 1, clause (7), \$80 per pupil unit in that school year, exceeds the amount raised by 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this section, a district must have levied the full 10 EARC mills in the preceding year pursuant to the capital outlay levy authorized in section 124.04 or section 8 of this article.*

Subd. 2. As used in this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7).

Subd. 3. All capital expenditure equalization aid shall be distributed prior to November 1 of each year.

Sec. 3. Minnesota Statutes 1976, Section 124.611, is amended to read:

124.611 [ELIGIBLE TEACHER PROGRAM.] *Subdivision 1. Any teacher who has been placed on unrequested leave of absence pursuant to section 125.12, subdivision 6a or 6b, or has been discharged pursuant to section 125.12, subdivision 3, or section 125.17, subdivision 2 or 3, as a result of a discontinued position, lack of pupils or financial limitations, may apply to the state board of education to be classified as an eligible teacher. The state board shall approve applications of teachers on unrequested leave of absence and teachers discharged pursuant to section 125.12, subdivision 3, or section 125.17, subdivision 2 or 3. By June 1, 1976, the state board shall issue a list of approved eligible teachers for the purpose of informing districts of the availability of these teachers; provided that nothing in this subdivision shall be construed to prohibit the state board from approving teacher applications received after publication of the list, but prior to December 31, 1976.*

Subd. 2. Any district which has not placed any teachers on unrequested leave of absence pursuant to section 125.12, subdivision 6a or 6b, or has not discharged any teachers pursuant to section

125.12, subdivision 3, or section 125.17, subdivision 2 or 3, may petition the state board of education to be eligible to receive aid for hiring an eligible teacher. *A district shall also be eligible to receive this aid notwithstanding the fact that it has terminated a teacher or probationary teacher for a reason specified in section 125.12, subdivision 6 or 8 or section 125.17, subdivision 4, clauses (1) to (4).*

Eligible teacher aid shall be paid according to the following schedule:

(1) In the ~~1976-1977~~ *first school year of the eligible teacher's employment*, the hiring school district shall receive an amount equal to 80 percent of the difference between the B.A. minimum salary in the hiring district and the salary which the teacher would receive in that year in the hiring district based upon his training, credits and experience;

(2) In the ~~1977-78~~ *second school year of the eligible teacher's employment*, the hiring district shall receive aid equal to 60 percent of the salary difference in clause (1);

(3) In the ~~1978-79~~ *third school year of the eligible teacher's employment*, the hiring district shall receive aid equal to 40 percent of the salary difference in clause (1); and

(4) In the ~~1979-1980~~ *fourth school year of the eligible teacher's employment* and thereafter, such aids shall terminate.

Subd. 3. The state board shall approve petitions and pay aid pursuant to this section only to the extent that funds are available. The amount appropriated for this purpose shall not be prorated.

Sec. 4. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.646] [SCHOOL LUNCH AID.] *Subdivision 1. School districts shall be paid by the state in the amount of four cents for each full paid student type "A" lunch served to students in the district.*

Subd. 2. School districts shall not be paid by the state for free or reduced price type "A" lunches served by the district.

Subd. 3. School districts shall apply to the state department of education for this payment on forms provided by the department.

Sec. 5. *Subdivision 1. The legislature recognizes that alternative education programs can offer an effective means of preparing pupils for responsible citizenship in a democratic society and that declining enrollments may make it difficult for existing schools to provide such programs; therefore it directs the state department of education, in cooperation with the council on quality education pursuant to Minnesota Statutes, Sections 3.924 to 3.927, to develop alternative education programs for elementary and secondary pupils in the state.*

Subd. 2. "Alternative education programs" means any distinc-

tive pattern of instruction which departs from conventional methods for half or more of the school day and is supplementary or optional to existing school structures and programs. The definition shall include but not be limited to: open schools, school within schools, travel-study or work study programs, and work or public service in the community.

Subd. 3. The state department shall: (a) provide information as to available programs; (b) provide training and workshops for teachers, administrators and parents; and (c) provide consultation and technical assistance for districts.

Subd. 4. School districts or combinations of districts may submit proposals for alternative education program grants to the council on quality education following the procedures established under sections 3.924 to 3.927.

Sec. 6. Minnesota Statutes 1976, Section 273.138, Subdivision 3, is amended to read:

Subd. 3. Each school district shall receive reimbursement in 1974 and subsequent years in an amount equal to the product of its 1972 assessed value of real property exempted from taxation by section 272.02, subdivision 1 times the sum of its mill rates for the following levies:

~~(1)~~ A levy for capital outlay, pursuant to section 124.04;

~~(2)~~ (1) A levy to pay the principal and interest on bonded indebtedness, including the levy to pay the principal and interest on bonds issued pursuant to Minnesota Statutes 1974, Section 275.125, Subdivision 3 (7) (c);

~~(3)~~ (2) A levy to pay the principal and interest on debt service loans, pursuant to section 124.42;

~~(4)~~ (3) A levy to pay the principal and interest on capital loans, pursuant to section 124.43;

~~(5)~~ (4) A levy to pay amounts required in support of a teacher retirement fund, pursuant to section 422A.08;

~~(6)~~ (5) A levy for additional maintenance cost in excess of 29 mills times the adjusted assessed valuation of the school district, pursuant to section 275.125, subdivisions 6 or 7.

For the purpose of this subdivision, a school district mill rate for any of the forementioned levies which was not applied to the total taxable value of such school district shall be added to the forementioned sum of mill rates as if it had been applied to the entire taxable value of the school district.

Sec. 7. Minnesota Statutes 1976, Section 275.125, Subdivision 4, is amended to read:

Subd. 4. A school district may levy the amounts necessary to make payments for bonds issued and for interest thereon, including the bonds and interest thereon, issued as authorized by section 275.125, subdivision 3, clause (7) (C), as it read in Minnesota Statutes 1974; the amounts necessary for repayment

of debt service loans and capital loans; the amount authorized for capital expenditures pursuant to section ~~124.04~~; and the amounts necessary to pay the district's obligations under section 6.62; the amount authorized for liabilities of dissolved districts pursuant to section 122.45; the amounts necessary to pay the district's obligations under section 268.06, subdivision 25; and the amounts necessary to pay the district's obligations under section 127.05.

Sec. 8. Minnesota Statutes 1976, Section 275.125, is amended by adding a subdivision to read:

Subd. 11a. (a) A school district may levy an amount not to exceed the amount equal to \$75 per pupil unit or, in districts where the pupil unit count is increased pursuant to section 124.17, subdivision 1, clause (7), \$80 per pupil unit. For purposes of computing allowable levies under this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7). No levy under this section shall exceed 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year, notwithstanding the provisions of sections 272.64 and 275.49.

(b) The proceeds of the tax may be used only to acquire land, to equip and reequip buildings and permanent attached fixtures, and to pay leasing fees for computer systems hardware, computer terminals and telecommunications equipment, and related proprietary software. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, including but not limited to those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision.

(c) Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the renting or leasing of buildings for school purposes and the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal with respect to the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

Sec. 9. Minnesota Statutes 1976, Section 275.125, is amended by adding a subdivision to read:

Subd. 11b. A school district may levy an amount equal to the greater of \$2,000 or \$6 per pupil for reducing or eliminating barriers to or increasing access to school facilities by handicapped individuals. No levy under this subdivision shall exceed \$200,000 in any one year. Expenditures for these purposes must qualify as capital expenditures pursuant to section 8 of this article. The board shall maintain an appropriated fund balance for the purpose of this subdivision.

Sec. 10. Minnesota Statutes 1976, Section 275.125, Subdivision 12, is amended to read:

Subd. 12. When a district finds it economically advantageous to rent or lease existing school buildings for instructional purposes, and the proceeds of the levy permitted under section 124.04 or section 8 of this article are insufficient for this purpose, it may apply to the commissioner for permission to make an additional capital expenditure levy for this purpose. An application for permission to levy under this clause shall contain financial justification for the proposed levy, the terms and conditions of the proposed lease, and a description of the space to be leased and its proposed use. The criteria for approval of applications to levy under this clause shall include: the reasonableness of the price, the appropriateness of the space to the proposed activity, the feasibility of transporting pupils to the leased building, conformity of the lease to the laws and regulations of the state of Minnesota, and the appropriateness of the proposed lease to the space needs and the financial condition of the district. The commissioner shall not authorize a levy under this clause in an amount greater than the cost to the district of renting or leasing a school building for approved purposes. The proceeds of this levy shall not be used for custodial or other maintenance services.

Sec. 11. Laws 1976, Chapter 271, Section 98, Subdivision 3, is amended to read:

Subd. 3. Minnesota Statutes 1974, Sections 124.28, as amended by Laws 1975, Chapter 432, Section 44; 124.281; and 124.29 are repealed. This subdivision shall be effective July 1, 1979 1977 .

Sec. 12. [REPEALER.] Minnesota Statutes 1976, Sections 123.40, Subdivision 7; 124.04; 124.215, Subdivisions 2a, 3, 4, 5, 7 and 8; 124.23; 124.25; 124.30; 126.021; 126.022; 126.024; 273.138, Subdivision 7; 473.633; and 473.635 are repealed.

Sec. 13. [APPROPRIATION.] There is appropriated from the general fund to the department of education the sum of \$100,000 for the year ending June 30, 1978 and the sum of \$100,000 for the year ending June 30, 1979. The department shall pay this sum to Independent School District No. 625 for its career study centers programs upon receipt of a resolution by the school board of that district that (1) it will establish and maintain an account separate from all other district accounts for the receipt and disbursement of all funds related to these career study center programs,

(2) that the full foundation aid formula allowance per pupil unit attributable to each student enrolled in a career studies program, including that portion earned pursuant to Minnesota Statutes, Section 124.17, Subdivision 1, Clauses (4) and (5), will be deposited by the district in that account, and (3) that the moneys deposited in that account shall be used solely for the purposes of the career study centers programs. For the purposes of this section, the foundation aid formula allowance per pupil unit for Independent School District No. 625 shall be \$1,025 for the 1977-1978 school year and \$1,075 for the 1978-1979 school year.

Sec. 14. [APPROPRIATION.] *There is appropriated from the general fund to the department of education the sum of \$320,000 for the year ending June 30, 1977, the sum of \$160,000 for the year ending June 30, 1978 and the sum of \$80,000 for the year ending June 30, 1979. Of these amounts, the department shall pay the following sums to the following school districts for the fiscal year designated: to Independent School District No. 691, \$120,000 for 1977, \$60,000 for 1978, and \$30,000 for 1979; to Independent School District No. 694, \$88,000 for 1977, \$44,000 for 1978, and \$22,000 for 1979; to Independent School District No. 695, \$40,000 for 1977, \$20,000 for 1978, and \$10,000 for 1979; to Independent School District No. 699, \$72,000 for 1977, \$36,000 for 1978, and \$18,000 for 1979. These amounts shall be paid to replace and phase out aids these districts would have received pursuant to Minnesota Statutes 1974, Sections 124.801 to 124.806 were it not for the provisions of Laws 1975, Chapter 432, Section 98. The state shall never be obligated for any further payments for this purpose.*

Sec. 15. [DEFICIENCY APPROPRIATION.] *The sum of \$70,000 is appropriated from the general fund to the department of education for the year ending June 30, 1976 and the sum of \$116,000 is appropriated for the year ending June 30, 1977. These appropriations are for the payment of a deficiency in funds available for payment of state aid for extraordinary tax delinquency pursuant to section 124.241 in those years, and shall be added to the sums appropriated for that purpose for those years in Laws 1975, Chapter 432, Section 96, Clause (19).*

Sec. 16. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] For educational cooperative service units, there is appropriated:

\$499,950	1978,
\$499,950	1979.

Each year funds from this appropriation shall be transmitted to an ECSU board of directors in the amount of \$45,450 per ECSU as defined in section 123.58, except that the ECSU whose boundaries coincide with the boundaries of development region 11 shall receive \$90,900 each year.

Subd. 3. [STATE AID FOR EXTRAORDINARY TAX DELINQUENCY.] For state aid for extraordinary tax delinquency pursuant to section 124.241, there is appropriated:

\$200,000	1978,
\$200,000	1979.

Subd. 4. [CAPITAL EXPENDITURE EQUALIZATION AID.] For capital expenditure equalization aid, there is appropriated:

\$930,000	1978,
\$900,000	1979.

Subd. 5. [ELIGIBLE TEACHER PROGRAM.] For eligible teacher program aid, there is appropriated:

\$137,000	1978,
\$210,000	1979.

Subd. 6. [SCHOOL LUNCH AID.] For school lunch aid, there is appropriated:

\$3,000,000	1978,
\$3,000,000	1979.

Subd. 7. [COUNCIL ON QUALITY EDUCATION GRANTS OR LOANS.] For council on quality education grants or loans made pursuant to sections 3.924 to 3.927, there is appropriated:

\$682,000	1978,
\$682,000	1979.

Subd. 8. [ALTERNATIVE PROGRAM GRANTS.] For alternative program grants pursuant to section 5 of this article, there is appropriated:

\$500,000	1978,
\$500,000	1979.

Of these amounts, \$400,000 shall be available in each year of the biennium for allocation in accordance with the recommendations of the council on quality education, of which at least \$200,000 in each year shall be used for programs which acquaint pupils with significant work and service roles in the community; \$20,000 shall be available in each year for the employment of one professional employee beyond the existing complement of the department; and \$80,000 shall be available in each year for the payment of other necessary expenses incurred in the administration of section 5 of this article.

Subd. 9. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attribut-

able to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

Sec. 17. [EFFECTIVE DATE.] Sections 14 and 15 of this article shall be effective the day following final enactment.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 1976, Section 121.11, Subdivision 5, is amended to read:

Subd. 5. [UNIFORM SYSTEM OF RECORDS AND OF ACCOUNTING.] The state board shall prepare a uniform system of records for public schools, require reports from superintendents and principals of schools, teachers, school officers, and the chief officers of public and other educational institutions, to give such facts as it may deem of public value. Beginning in fiscal year 1977, all reports required of school districts by the state board shall be in conformance with the uniform financial accounting and reporting system adopted pursuant to section 121.902. With the cooperation of the legislative state auditor, the state board shall establish and carry into effect a uniform system of accounting by public school officers and it shall have authority to supervise and examine the accounts and other records of all public schools.

Sec. 2. Minnesota Statutes 1976, Section 121.902, is amended to read:

121.902 [COUNCIL RECOMMENDATIONS.] Subdivision 1. The council shall recommend to the state board uniform financial accounting and reporting standards for school districts. ~~Prior to October 1, 1976,~~ The state board shall adopt and maintain uniform financial accounting and reporting standards which are consistent with sections 121.90 to 121.92 and with generally accepted accounting principles and practices. The standards so adopted shall be known as the uniform financial accounting and reporting system for Minnesota school districts.

Subd. 2. The state board shall meet the requirements of chapter 15 in the initial adoption and maintenance of these standards. ~~In periodically revising these standards, the board need not meet the requirements of chapter 15, but these revisions shall not be effective until 20 days after their publication in the state register. Any interested person may petition the state board for revision of these standards. Upon receipt of such a petition, the state board shall proceed according to section 15.0412.~~

Sec. 3. *Notwithstanding the provisions of sections 15.0412 or 121.914, subdivision 2, the state board may promulgate emergency rules relating to standards for the establishment of a uniform auditing or other verification procedure to determine whether a statutory operating debt exists in any Minnesota school district as of June 30, 1977, without compliance with the provisions of section 15.0412,*

subdivision 4. These rules are to be effective for not longer than 75 days and may be reissued or continued in effect for an additional 75 days, but may not immediately be reissued thereafter without following the procedure of section 15.0412, subdivision 4. These emergency rules shall be published in the state register as soon as practicable.

Sec. 4. Minnesota Statutes 1976, Section 121.908, is amended by adding a subdivision to read:

Subd. 3a. Prior to July 1, 1977 and July 1 of each year thereafter, the school board of each district shall approve and adopt its revenue and expenditure budgets for the next school year. The budget document so adopted shall be considered an expenditure-authorizing or appropriations document. No funds shall be expended by any board or district for any purpose in any school year prior to the adoption of the budget document which authorizes that expenditure, or prior to an amendment to the budget document by the board to authorize the expenditure. Expenditures of funds in violation of this subdivision shall be considered unlawful expenditures.

Sec. 5. Minnesota Statutes 1976, Chapter 121, is amended by adding a section to read:

[121.912] [PERMANENT FUND TRANSFERS.] *Subdivision 1. After July 1, 1977, no school district shall permanently transfer money from an operating fund to a nonoperating fund; provided, however, that permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year and permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued.*

Subd. 2. As used in this section, "operating fund" and "nonoperating fund" shall have the meanings specified in the uniform financial accounting and reporting system for Minnesota school districts. Any transfer for a period in excess of one year shall be deemed to be a permanent transfer.

Sec. 6. Minnesota Statutes 1976, Section 121.914, Subdivision 1, is amended to read:

121.914 [STATUTORY OPERATING DEBT.] *Subdivision 1. The "statutory operating debt" of a school district means the net negative unappropriated fund balance in all school district funds, other than capital expenditure, building construction, debt service, trust and agency, and post-secondary vocational-technical education funds, calculated as of June 30 of each year in accordance with the uniform financial accounting and reporting system for Minnesota school districts.*

Sec. 7. Minnesota Statutes 1976, Section 121.914, Subdivision 2, is amended to read:

Subd. 2 3. The commissioner shall establish a uniform auditing or other verification procedure for school districts to determine whether a statutory operating debt exists in any Minnesota school

district as of June 30, 1977. This procedure shall also identify all interfund transfers made during fiscal year 1977 from a fund included in computing statutory operating debt to a fund not included in computing statutory operating debt. The standards for this uniform auditing or verification procedure shall be promulgated by the state board pursuant to chapter 15. If a school district applies to the commissioner for a statutory operating debt verification or if the unaudited financial statement for the school year ending June 30, 1977 reveals that a statutory operating debt might exist, the commissioner shall require a verification of the amount of the statutory operating debt which actually does exist.

Sec. 8. Minnesota Statutes 1976, Section 121.914, Subdivision 3, is amended to read:

Subd. 3 4 . If an audit or other verification procedure conducted pursuant to subdivision 2 3 determines that a statutory operating debt exists and does not come within the provisions of subdivision 4 , a district shall follow the procedures set forth in section 275.125, subdivision 9a to eliminate this *statutory operating debt*.

Sec. 9. Minnesota Statutes 1976, Section 121.914, Subdivision 4, is amended to read:

Subd. 4 2 . If the amount of the ~~statutory~~ operating debt verified pursuant to subdivision 2 is less ~~more~~ than two and one-half percent of the most recent fiscal year's expenditure amount for the funds considered under subdivision 1, the net negative *unappropriated* fund balance shall ~~not~~ qualify as " statutory operating debt " for the purposes of this section and sections 121.917 and 275.125, subdivision 9a.

Sub. 10. Minnesota Statutes 1976, Section 121.917, Subdivision 1, is amended to read:

121.917 [EXPENDITURE LIMITATIONS.] Subdivision 1. (a) Beginning in fiscal year 1978 and in each year thereafter, a district which had statutory operating debt on June 30, 1977 pursuant to section 121.914 shall limit its expenditures in each fiscal year to the amount of revenue recognized in the same fiscal year in accordance with the uniform financial accounting and reporting system for Minnesota school districts.

(b) The expenditures of a district for each fiscal year shall be limited so that the amount of its statutory operating debt calculated for at the end of that fiscal year pursuant to section 121.914 is not greater than the amount of the district's statutory operating debt as of June 30, 1977, as certified and adjusted by the commissioner ; ,

(1) reduced by an amount equal to the cumulative entries to that district's "reserve account for reducing operating debt";

(2) increased by an amount equal to two and one-half percent of that district's operating expenditures for the fiscal year immediately preceding the fiscal year for which the statutory operating debt calculation is being made.

~~(e)~~ (b) When a district is no longer required to levy pursuant to section 275.125, subdivision 9a, subdivision 2 of this section shall be applicable.

Sec. 11. Minnesota Statutes 1976, Section 121.917, Subdivision 2, is amended to read:

Subd. 2. Beginning in fiscal year 1978 and each year thereafter, any district not subject to subdivision 1 shall limit its expenditures so that its ~~appropriate~~ *unappropriated* fund balances shall not constitute statutory operating debt as defined and ~~limited~~ in section 121.914.

Sec. 12. Minnesota Statutes 1976, Section 122.21, Subdivision 6, is amended to read:

Subd. 6. Upon the effective date of the order, the detachment and annexation ordered therein is effected, ~~and~~. All taxable property in the area so detached and annexed ~~is~~ *remains* taxable for payment of any school purpose obligations theretofore authorized by or on that date outstanding against the district ~~to from which annexation is made detached~~. Such property is not by virtue of the order relieved from the obligation of any bonded debt theretofore incurred to which it was subject prior to the order. *All taxable property in the area so detached and annexed is taxable for payment of any school district obligations authorized on or subsequent to the effective date of the order by the district to which annexation is made.*

Sec. 13. Minnesota Statutes 1976, Section 123.335, Subdivision 2, is amended to read:

Subd. 2. The board may authorize an imprest fund for the purpose of advancing money to officers or employees to pay the actual and necessary expenses of such officer or employee in attending meetings outside of the district. The board shall appoint a custodian of such fund and he shall be responsible for its safekeeping and disbursement according to law. ~~Attendance at such meetings shall be authorized in advance by the board. At the first regular meeting of the board after such meeting, the officer or employee custodian shall submit an itemized claim for the actual and necessary expenses incurred and paid by him in attending such meeting. The board shall act upon it as in the case of other claims and an order shall be issued to the officer or employee custodian for the amount allowed. The officer or employee shall use the proceeds of the order to repay the amount advanced from the fund; and if the amount approved by the board is insufficient to repay the advance, he shall be personally responsible for the difference and make final settlement with the officer or employee. As an alternative the board may authorize travel advances if control is maintained by use of a travel advance account, the balance of which is supported by names of employees to whom money has been advanced.~~

Sec. 14. Minnesota Statutes 1976, Section 123.71, Subdivision 1, is amended to read:

123.71 [PUBLICATION OF SCHOOL DISTRICT DIS-

BURSEMENTS.] Subdivision 1. Every school board shall, ~~within 30 days after its adoption of a budget for the current school year, but in no event later than September 1 ; publish a summary of the disbursements of funds showing the actual expenditures for the prior fiscal year and proposed expenditures for the current fiscal year the revenue and expenditure budgets submitted to the commissioner of education in accordance with section 121.908, subdivision 4, for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the state board of education after consultation with the advisory council on uniform financing accounting and reporting standards. The forms prescribed shall be designed so that year to year comparisons of revenue, expenditures and fund balances can be made. These budgets, reports of revenue, expenditures and fund balances shall be published in a newspaper of general circulation and holding a U. S. Post Office Department second class mailing permit or a legal newspaper located in the district, or if there be no such newspaper within the district then in the legal newspaper outside the district which has a general circulation in the district.~~

Sec. 15. Minnesota Statutes 1976, Section 123.71, Subdivision 2, is amended to read:

Subd. 2. It shall also publish at the same time a summary of bonds outstanding, paid and sold ; a summary of orders not paid for want of funds ; and ; certificates of indebtedness for the year ending June 30 ; *the statutory operating debt of the district as defined and certified pursuant to section 121.914; and the balance amount of the appropriated fund balance reserve account for purposes of reducing statutory operating debt established pursuant to section 275.125 .*

Sec. 16. Minnesota Statutes 1976, Section 123.71, is amended by adding a subdivision to read:

Subd. 4. It shall also publish at the same time the average cost per pupil in average daily membership educated in that district in the preceding year. This computation shall be made exclusive of debt service or capital outlay costs.

Sec. 17. Minnesota Statutes 1976, Section 124.38, Subdivision 7, is amended to read:

Subd. 7. "Maximum effort debt service levy" means *the lesser of (1) a levy in a total dollar amount computed as 20 mills on the adjusted assessed value; except that the maximum effort debt service levy of or (2) in any school district having which received a debt service or capital loan from the state before January 1, 1965, shall be a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967; and except that the maximum effort debt service levy of or in any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, shall be a levy in a total dollar amount*

computed as $5\frac{1}{2}$ mills on the market value in each year, until and unless the district receives an additional loan; and ~~except that the maximum effort debt service levy of or in any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975 shall be~~ , a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan.

Sec. 18. Minnesota Statutes 1976, Section 125.12, Subdivision 3, is amended to read:

Subd. 3. [PROBATIONARY PERIOD.] The first and second consecutive years of a teacher's first teaching experience in Minnesota in a single school district shall be deemed to be a probationary period of employment, and after completion thereof, the probationary period in each school district in which he is thereafter employed shall be one year. A teacher who has complied with the then applicable probationary requirements in a school district prior to July 1, 1967, shall not be required to serve a new probationary period in the said district subsequent thereto. During the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit; provided, however, that the school board shall give any such teacher whose contract it declines to renew for the following school year written notice to that effect before ~~April~~ June 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the school board shall give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during his employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 123.14, subdivision 4, or section 123.35, subdivision 5.

Sec. 19. Minnesota Statutes 1976, Section 125.12, Subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF CONTRACT AFTER PROBATIONARY PERIOD.] A teacher who has completed his probationary period in any school district, and who has not been discharged or advised of a refusal to renew his contract pursuant to subdivision 3, shall have a continuing contract with such district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board , ~~prior to April 1~~ upon one of the grounds specified in ~~subdivisions~~ subdivision 6 or ~~prior to June 1~~ upon one of the grounds specified in subdivisions 6a or 6b, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April 1; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179.61 to 179.77 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of said

contract in compliance with section 179.70, subdivision 2. Such written resignation by the teacher shall be effective as of June 30 if submitted prior to that date and the teachers' right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

Sec. 20. Minnesota Statutes 1976, Section 125.12, Subdivision 10, is amended to read:

Subd. 10. [DECISION.] After the hearing, the board shall issue a written decision and order. If the board orders termination of a continuing contract or discharge of a teacher, its decision shall include findings of fact based upon competent evidence in the record and shall be served on the teacher, accompanied by an order of termination or discharge, prior to April 1 in the case of a contract termination for grounds specified in subdivision 6, prior to June 1 for grounds specified in subdivision 6a or 6b, or within ten days after conclusion of the hearing in the case of a discharge. If the decision of the board or of a reviewing court is favorable to the teacher, the proceedings shall be dismissed and the decision entered in the board minutes, and all references to such proceedings shall be excluded from the teacher's record file.

Sec. 21. Minnesota Statutes 1976, Section 125.17, Subdivision 3, is amended to read:

Subd. 3. [PERIOD OF SERVICE AFTER PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.] After the completion of such probationary period, without discharge, such teachers as are thereupon re-employed shall continue in service and hold their respective position during good behavior and efficient and competent service and shall not be discharged or demoted except for cause after a hearing.

Any probationary teacher shall be deemed to have been re-employed for the ensuing school year, unless the school board in charge of such school shall give such teacher notice in writing before April June 1 of the termination of such employment. In event of such notice the employment shall terminate at the close of the school sessions of the current school year.

Sec. 22. Minnesota Statutes 1976, Section 275.124, is amended to read:

275.124 [REPORT OF CERTIFIED LEVY.] Prior to March 1 of each year, each county auditor shall report to the commissioner of education on forms furnished by the commissioner, the amount of the certified levy made by each school district within the county which has taxable property. The reports shall also contain the amount payable to each district pursuant to ~~section 124.03~~ sections 273.132, 273.135, and 273.138 .

Sec. 23. Minnesota Statutes 1976, Section 275.125, Subdivision 9a is amended to read:

Subd. 9a. (1) In 1977 and each year thereafter in which so required by this subdivision, a district shall make an additional levy to eliminate its statutory operating debt, determined as of June 30, 1977 and certified and adjusted by the commissioner. This levy shall not be made in more than 20 successive years and each year before it is made, it must be approved by the commissioner and the approval shall specify its amount. This levy shall in each year be an amount which is equal to the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee; provided that in the last year in which the district is required to make this levy, it shall levy an amount not to exceed the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee. When the cumulative proceeds of the certified levies made pursuant to this subdivision equal an amount equal to the statutory operating debt of the district, the levy shall be discontinued.

(2) The district shall establish a special account in the general fund which shall be designated "*appropriated fund balance reserve account for purposes of reducing statutory operating debt*" on its books and records. This account shall reflect the proceeds of the certified levy authorized pursuant to this subdivision. The proceeds of this levy, as reflected in this account, shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(3) Any district which is required to levy pursuant to this subdivision shall certify the maximum levy allowable under subdivision 2a, clause (1) or (2) in that same year.

(4) *Each district shall make permanent fund balance transfers so that the total statutory operating debt of the district is reflected in the general fund as of June 30, 1977.*

Sec. 24. Minnesota Statutes 1976, Section 475.61, Subdivision 4, is amended to read:

Subd. 4. All such taxes shall be collected and remitted to the municipality by the county treasurer as other taxes are collected and remitted, and shall be used only for payment of the obligations on account of which levied or to repay advances from other funds used for such payments, except that any surplus remaining in the debt service fund when the obligations and interest thereon

are paid may be appropriated to any other general purpose by ~~the~~ *any municipality other than a school district. The amount of any surplus remaining in the debt service fund of a school district when the obligations and interest thereon are paid shall be used to reduce the next debt service levies of the district or, if none, to reduce the maintenance levy authorized pursuant to section 275.125, subdivision 2a.*

Sec. 25. Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended by Laws 1975, Chapter 432, Section 88, is amended to read:

Subd. 17. The provisions of this section shall expire July 1, ~~1979~~ 1981. At any time the experimental school may be terminated upon unanimous vote of the officers of the committee and 30 days notice to the board of District No. 309, whereupon the board of District No. 309 shall resume the care, management and control of the entire district on July 1 following. Prior to December 1 of each year the committee shall submit to the legislature a report of the experimental school established by this section. Such report shall document the success or failure of the experimental school.

ARTICLE VIII

EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS

Section 1. [CITATION.] *Sections 1 to 4 of this article may be cited as "The early childhood and family education act."*

Sec. 2. [PURPOSE.] *The purpose of sections 1 to 4 of this article is to provide a means by which parents can help their children learn by emphasizing measures designed to encourage children to develop to the maximum level the physical, mental, and social potentials which they possess; to strengthen the role of the family as the first and most fundamental influence on learning and child development; to maximize the importance of each child's education within the natural environment of his home and community; and to provide opportunities for young children, through parental involvement in the learning process.*

Sec. 3. [DEFINITIONS.] *Subdivision 1. As used in sections 1 to 4 of this article the terms defined in this section have the meanings assigned them.*

Subd. 2. *"Early childhood" means that period of life before kindergarten and below age six in which a child's intellectual, social, emotional, physical and mental qualities are in the formative stage and in which the foundation for his future development is made.*

Subd. 3. *"Early childhood and family education programs" include but are not limited to the following:*

(a) *Educational assessment during the first five years of the child's life, consisting of the best assessment techniques available*

in current educational practice. The primary purpose of this assessment is to make sure that no child progresses through the formative years with some undetected problem that might hamper his ability to learn since deficiencies in learning and primary skills may become evident during this period and may lead to further and often more extensive learning problems. Should the need for specialized medical services arise, the family shall be referred to the necessary treatment, but this program shall not pay the costs of any such medical service.

(b) Educational programs for parents stressing the physical, mental and emotional development of children as well as the development of parenthood skills.

(c) Libraries of books, toys and other educational materials which can be borrowed for use in the home. District personnel should provide information and, where desired, training in the use of such materials.

(d) Family programs made available for the parents or guardians of children which are designed to strengthen the family unit and assist the parents in providing sound early childhood learning and development.

(e) Education for parenthood programs to be conducted as part of the secondary school curriculum to increase the adolescent's awareness of the social, educational and health needs of children and families, and of the role of parents in fostering a child's development.

(f) In-center activity.

(g) Home activity kits.

(h) Community and resource information and referrals.

Sec. 4. [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.] *Subdivision 1. The school board of any district, however organized, may provide early childhood and family education programs in one or more elementary school attendance areas within the district. A program may be provided for good cause in an area greater than a single elementary attendance area upon approval of the state board of education. Districts shall receive state aids for these programs, to be distributed in accordance with section 124.17, subdivision 1, clause (9).*

Subd. 2. Each district providing early childhood and family education programs shall establish and maintain an account separate from all other district accounts for the receipt and disbursement of all funds related to these programs.

Subd. 3. A school district providing early childhood and family education programs shall be eligible to receive funds for these programs from other governmental agencies and from private sources when such funds are available.

Subd. 4. A district may charge reasonable fees for early childhood and family education programs; however, a district shall

waive the charge or fee if any pupil, his parent or guardian is unable to pay it.

Subd. 5. Each district providing early childhood and family education programs shall coordinate its services with any early childhood and family education services provided in the district by other governmental agencies and may develop cooperative programs with private agencies. All governmental agencies shall cooperate with the school district in these coordination efforts. Any district which provides early childhood and family education programs but does not coordinate its efforts with other governmental agencies shall submit an explanatory report to the commissioner of education within one year after the implementation of its programs and each year thereafter in which such coordination is not established.

Subd. 6. [ADVISORY COMMITTEES.] Each early childhood and family education program center shall provide for an advisory committee to be selected from the attendance area by the school board. A majority of the members shall be parents participating in the local programs. The advisory committee shall aid in the design, development, coordination, supervision and review of early childhood and family education programs in the attendance area and shall set priorities for child learning and development services in its respective community. The committee shall report to the local school board and the district community school advisory council if this council has been established in the district. The state department of education shall function in cooperation with the committee in an advisory capacity in the interest of promoting the goals and objectives of sections 1 to 4 of this article.

Subd. 7. [PERSONNEL.] Each school board may, as it considers appropriate, employ and discharge personnel to further the purposes of its early childhood and family education programs. Staff and personnel may participate in retirement programs and any other programs available to other public school staff and personnel.

Subd. 8. [VOLUNTARY PARTICIPATION.] All participation by parents and children in early childhood and family education programs shall be voluntary, and shall not preclude participation in any other state or local program. All programs shall provide services to qualified individuals, regardless of race, sex, religion or ethnic background, and no such programs shall be used in whole or in part for religious worship or instruction.

Subd. 9. [STATE BOARD OF EDUCATION.] The state board of education in cooperation with the council on quality education shall provide leadership to districts by:

(1) Annually reviewing district programs designed to provide early childhood and family educational programs for very young children and parents;

(2) Applying for funds which are, or may become, available under federal programs, pertaining to child development, including funds for administration, demonstration projects, training, technical assistance, planning, and evaluation;

(3) *Encouraging cooperation in the delivery of services by districts operating these programs;*

(4) *Assisting children and their parents or guardians in obtaining the assistance and services which the child needs and which are provided by community agencies;*

(5) *Making maximum use of existing information services to inform the public concerning comprehensive early childhood development services;*

(6) *Providing professional and technical assistance;*

(7) *Conducting ongoing program reviews.*

Sec. 5. Minnesota Statutes 1976, Section 124.17, Subdivision 1, is amended to read:

124.17 [DEFINITION OF PUPIL UNITS.] Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school, for kindergarten and for handicapped pre-kindergarten pupils as defined in section 120.03, and enrolled in one-half day sessions throughout the school year or the equivalent thereof, approved by the commissioner of education, one-half pupil unit and other elementary pupils, one pupil unit.

(2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

(3) In area vocational-technical schools one and one-half pupil units. This clause shall expire June 30, 1976.

(4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil in clauses (1) and (2) from families receiving aid to families with dependent children or its successor program shall be counted as an additional five-tenths pupil unit. By May 1 of each year the department of public welfare is directed to furnish to the department of education, and to each school district to the extent the information pertains to it, that information concerning children from families with dependent children which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids may be paid concurrently with other foundation aids.

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds five percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for purposes of this

clause, provided that in districts where the percent of concentration is less than six, no additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further that no such pupil shall be counted as more than one and one-tenth additional pupil units pursuant to clauses (4) and (5). Such weighting shall be in addition to the weighting provided in clauses (1), (2), (3), and (4). School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to primary grade *and early childhood and family education* programs and services, particularly to programs and services that involve participation of parents. Each district receiving aids on account of both clauses (4) and (5) shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all such aids received.

(6) Where the total pupil units of a district are used as a multiplier in determining foundation aids and spending and levy limitations and where the actual number of pupil units has decreased from the prior year, the number of pupil units shall equal the average of actual pupil units for the prior and current years in a district with boundaries coterminous with the boundaries of a city of the first class and shall be increased by .6 times the difference between the actual pupil units for the two years in any other district. Only pupil units as computed in clauses (1) and (2) shall be included for purposes of computations made pursuant to this clause.

(7) In districts maintaining classified secondary schools where the actual number of pupil units has increased from the prior year by two percent or more, the additional pupil units over the prior year, as computed in clauses (1) and (2), shall be multiplied times one-tenth for each percent of increase over the prior year and a number of pupil units equal to the product shall be added to the other units for the district. The percent of increase shall be rounded up to the next whole percent for purposes of this clause, provided that in districts where the percent of increase is less than two, no additional pupil units shall be added to the other units for the district and provided further that the number of pupil units of increase over the prior year shall under no circumstances be multiplied by more than five-tenths.

(8) Only pupil units in clauses (1) and (2) shall be used in computing adjusted maintenance cost per pupil unit.

(9) *In districts providing early childhood and family education programs, 15/100 of a pupil unit for each pupil served by an eligible program but not to exceed \$45,000 for any one program for any year. The programs of a district shall be eligible for aid pursuant to this clause as provided in section 7 of this article.*

Sec. 6. Minnesota Statutes 1976, Section 124.17, is amended by adding a subdivision to read:

Subd. 2b. For purposes of computing average daily membership pupils enrolled in an early childhood and family education program shall be counted for membership on the current roll of the school

servng that elementary attendance area from the time of enrollment until withdrawal or the end of the program if either the pupil or his parent or guardian is served by the program.

Sec. 7. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.273] [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS; AID ELIGIBILITY.] *Subdivision 1. [PARTICIPANTS.] Any child prior to entering kindergarten or below age six may qualify for foundation aid pursuant to section 124.17, subdivision 1, clause (9), if either the child or his parent or guardian is served by an eligible early childhood and family education program.*

Subd. 2. [PROGRAMS.] Participants in the early childhood and family education programs of a district shall be eligible to earn foundation aid for the district pursuant to section 124.17, subdivision 1, clause (9), as follows:

(a) for school districts with enrollments of greater than 10,000 pupils in kindergarten through grade six, participants in programs serving three elementary attendance areas shall be eligible;

(b) for school districts with enrollments of less than 10,000 pupils but greater than 3,500 pupils in kindergarten through grade six, participants in programs serving two elementary attendance areas shall be eligible;

(c) for school districts with enrollments of less than 3,500 pupils in kindergarten through grade six, participants in a program serving one elementary attendance area shall be eligible;

(d) no participants in a school district program serving less than 75 pupils in early childhood and family education shall be eligible to earn foundation aid for the district pursuant to section 124.17, subdivision 1, clause (9), but cooperative programs may be established to qualify those participating for aid.

Sec. 8. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.274] [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS; START-UP AID.] *Subdivision 1. [FIRST YEAR OF OPERATION.] In addition to foundation aid for early childhood and family education programs received pursuant to section 124.17, subdivision 1, clause (9), districts providing programs pursuant to sections 1 to 4 of this article which are in their first year of operation shall receive an additional 50 percent of the early childhood and family education foundation aid amount received for each program. This additional amount shall be used to pay the district for start-up costs incurred for these programs and shall be paid concurrently with foundation aid. A program in a district which receives \$45,000 in early childhood and family education foundation aid pursuant to section 124.17, subdivision 1, clause (9), shall not be eligible for additional aid pursuant to this subdivision. In no case may the combined early childhood and family education foundation aid and the start-*

up aid received pursuant to this subdivision exceed \$45,000 for any one program for any year.

Subd. 2. [START-UP AID; SECOND YEAR OF OPERATION.] In a program's second year of operation, districts shall receive an additional 25 percent of the early childhood and family education foundation aid received for that program for that year. This aid shall be subject to the same qualifications and limitations as that received pursuant to subdivision 1.

Subd. 3. After the second year of a program's operation, a district shall not be eligible for any start-up aid for that program.

Subd. 4. Districts which have previously operated programs pursuant to grants received from the council on quality education under the provisions of sections 3.9271 to 3.9275 shall be eligible, to the extent to which they qualify, to receive aid pursuant to this section in their first and second year of operation under sections 1 to 4 of this article.

Sec. 9. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [EARLY CHILDHOOD AND FAMILY EDUCATION FOUNDATION AID.] For early childhood and family education foundation aid, there is appropriated:

\$608,675	1978,
\$1,200,000	1979.

Subd. 3. [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS START-UP AID.] For early childhood and family education programs start-up aid, there is appropriated:

\$286,350	1978,
\$314,500	1979.

If the appropriations in this subdivision in either year are insufficient, the aid shall be prorated among all qualifying districts.

Subd. 4. [ADMINISTRATIVE COSTS.] For costs of the department of education working in cooperation with the council on quality education for the administration of this act, there is appropriated:

\$100,000	1978,
\$100,000	1979.

This appropriation shall not be used to hire more than two professional employees and one-half clerical employee beyond the existing complement of the department in either year.

Subd. 5. In the fiscal year ending June 30, 1978, not more than 30 early childhood and family education programs shall be funded pursuant to sections 1 to 9 of this article. In the fiscal year ending June 30, 1979, not more than 50 early childhood and

family education programs shall be funded pursuant to sections 1 to 9 of this article. Districts shall apply to the department for funding of early childhood and family education programs pursuant to this article. Any program funded pursuant to this article shall be named, called and referred to as an "early childhood and family education program". The department, in cooperation with the council on quality education, shall select the programs to be funded in each year.

Subd. 6. Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriated amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

ARTICLE IX CERTIFICATE OF NEED FOR SCHOOL DISTRICT CONSTRUCTION

Section 1. [121.151] [POLICY.] *It is the policy of the state that new public educational buildings should not be constructed when surplus space is reasonably available in other educational or public buildings. Nothing herein is intended to limit the approval of such building construction as is necessary to comply with desegregation requirements.*

Sec. 2. [121.152] [DEFINITIONS.] *Subdivision 1. As used in sections 1 to 4 of this article, the terms defined in this section have the meaning ascribed to them.*

Subd. 2. "Construction" means the erection, building, purchase or acquisition of an educational facility by a school district which requires a total capital expenditure in excess of \$200,000.

Sec. 3. [121.153] [CERTIFICATE OF NEED.] *Subdivision 1. [PROCEDURE PRIOR TO PROPOSAL.] No local or joint board of education intending to embark upon a program of construction of an educational facility which requires a capital expenditure in excess of the cost limitations of section 2, subdivision 2 of this article shall engage architectural, professional consultation, or bond consulting services with respect to the project until it has notified the commissioner of education of its intention to engage such services. The notice shall state simply the nature of the architectural, professional consultation, or bond consulting services to be engaged and the nature of the construction contemplated. The commissioner shall not be required to accept or act upon a proposal if the notice required by this section has not been given. Any applicant submitting such a notice may, at the time of submission, request a written determination by the commissioner as to whether the project is subject to the provisions of sections 1 to 4 of this article and whether a proposal*

must be submitted. The applicant shall be notified by the commissioner of his determination in writing not later than 30 days after the request is submitted. Nothing in this section shall be construed to limit in any other way the right to engage architectural, professional consultation, or bond consulting services.

Subd. 2. [CONTENT OF PROPOSALS.] Each proposal shall contain information concerning, but not limited to, the following:

(a) the geographic area likely to be served, whether within or outside the boundaries of the school district;

(b) the population likely to be served, including census findings and projections relative to the population of preschool and school aged persons in the area;

(c) the reasonably anticipated need for the facility or service to be provided by the proposal;

(d) a description of the construction in reasonable detail, including

(1) the capital expenditures contemplated;

(2) the estimated annual operating cost, including the anticipated salary cost and numbers of new staff necessitated by the proposal; and

(3) an evaluation of the energy efficiency and effectiveness of the construction including estimated annual energy costs;

(e) so far as is known, existing institutions within the area to be served that offer the same or similar service; the extent of utilization of existing facilities or services; the extent to which space is available from other sources, including institutions for higher education or other public buildings; and the anticipated effect that the proposal will have on existing facilities and services;

(f) the anticipated benefit to the area that will result from the proposal;

(g) so far as is known, the relationship of the proposed construction to any priorities which have been established for the area to be served; and

(h) the availability and manner of financing of the proposed construction and the estimated date of commencement and completion of the project.

Subd. 3. [PROPOSAL PROCEDURES.] In reviewing each proposal, the commissioner or his designee shall within 20 days of the receipt of the proposal, determine whether it is complete and give prompt written notice to the applicant of this determination. After determining the proposal to be complete, the commissioner or his designee shall order the office of hearing examiners to do the following pursuant to chapter 15:

(1) hold a public hearing in the school district submitting the proposal within 90 days of the date the proposal is determined to be complete;

(2) provide notice of the public hearing by publication in a legal newspaper of general circulation in the area for two successive weeks, to be concluded at least ten days before the date of the hearing;

(3) allow any interested resident of the district or a district contiguous thereto the opportunity to be heard, to be represented by counsel, to present oral and written evidence, and to confront and cross-examine opposing witnesses at the public hearing;

(4) provide a transcript of the hearing at the expense of any individual requesting it, if the transcript is requested at least three days prior to the hearing;

(5) make findings of fact and recommendations concerning the proposal which findings and recommendations shall be available to any individual requesting them; and

(6) follow any further procedure not inconsistent with sections 1 to 4 of this article or Minnesota Statutes, Chapter 15, which it deems appropriate.

Subd. 4. [DETERMINATIONS.] Within 90 days after receipt of the transcript of the public hearing, the commissioner of education shall make one of the following decisions:

(a) issue a certificate of need;

(b) reject the application for a certificate of need; or

(c) refer the application back to the local board with comments and instructions for further consideration and recommendations.

If the commissioner approves or rejects the application or refers the application back to the local board, he shall set forth in detail the reasons for his decision.

Subd. 5. [COMMENCEMENT OF CONSTRUCTION.] No construction of an educational facility which requires a capital expenditure in excess of the cost limitation in section 2, subdivision 2 of this article shall be commenced unless a certificate of need has been issued in accordance with this section.

Subd. 6. [EXPIRATION OF CERTIFICATE.] A certificate of need shall expire if the construction is not commenced within three years following the issuance of the certificate. The holder of a certificate which is about to expire may apply for a new certificate no earlier than 90 days before the expiration of the former certificate. The commissioner may give priority in scheduling consideration of the application for a new certificate, but shall comply with the other requirements and procedures applicable to the granting of certificates and may require updated proposals from the holder.

Subd. 7. [APPEALS.] The school board or any resident of the district or any district contiguous thereto may appeal the granting, denial, or modification of an application pursuant to Minnesota Statutes, Sections 15.0424 to 15.0426.

Subd. 8. [EVASIONS.] No local or joint board shall separate

portions of a single project into components in order to evade the cost limitation of section 2, subdivision 2 of this article. As they relate to area vocational-technical schools these limitations shall be in addition to the limitations in section 121.21, subdivision 4.

Subd. 9. [ENFORCEMENT.] The district court in the county where an alleged violation occurs shall have jurisdiction to enjoin violations of sections 1 to 4 of this article. At the request of the state board of education, the attorney general may bring an action to enjoin an alleged violation.

Subd. 10. [RULES AND REGULATIONS.] Before July 1, 1978, the state board of education, pursuant to Minnesota Statutes, Chapter 15, shall promulgate rules to carry out the purposes of sections 1 to 3 of this article, including but not limited to the following:

- (a) procedure and forms for application;*
- (b) hearing procedure;*
- (c) criteria for issuance or rejection of a certificate of need;*
- (d) enforcement procedure.*

Sec. 4. [121.154] [JOINT POWERS AGREEMENTS.] Agreements between governmental units concerning the joint use of buildings may be made pursuant to Minnesota Statutes, Section 471.59.

Sec. 5. [121.155] [METROPOLITAN COUNCIL.] After July 1, 1980 the metropolitan council, as defined in section 473.123, shall exercise all powers and duties granted to the commissioner and the state board in sections 1 to 4 of this article as they relate to school districts whose administrative offices are located within the metropolitan area as defined in section 473.121, subdivision 2, on July 1, 1977.

Sec. 6. [APPROPRIATION.] There is appropriated from the general fund to the department of education for the administration of this article the sum of \$84,500 for the year ending June 30, 1978 and the sum of \$183,000 for the year ending June 30, 1979. These appropriations shall not be used to hire more than two professional and one clerical employee beyond the existing complement of the department in either year.

Sec. 7. [EFFECTIVE DATE.] This article shall apply to programs of construction of educational facilities, commenced after January 1, 1979, which require a capital expenditure in excess of the cost limitations of section 2, subdivision 2 of this article.

ARTICLE X MATURE STAFF AND PART TIME EMPLOYMENT PROGRAM

Section 1. [TEACHER DEFINED.] As used in sections 1 to 13 of this article "teacher" means a teacher as defined in Minnesota Statutes, Section 125.03, Subdivision 1, who is employed in any public elementary or secondary school, and who is a member

of the teachers retirement association governed by Minnesota Statutes, Chapter 354 or of a teachers retirement fund association in a city of the first class governed by Minnesota Statutes, Chapter 354A.

Sec. 2. [SALARY DEDUCTIONS; STATE PAYMENTS.] *There shall be deducted as an employee contribution to the teachers benefit fund one percent of the salary of every teacher. This amount shall be in addition to the employee contribution required by Minnesota Statutes, Section 354.42 or the articles or bylaws of the local association. Amounts deducted shall be deducted at the same time and in the same manner as regular retirement contributions. The obligation of the state for the employers contribution pursuant to Minnesota Statutes, Sections 354.43 and 354A.12 shall include an additional sum equal to that deducted as the employee contribution pursuant to this section.*

Sec. 3. [TEACHERS BENEFIT FUND.] *The governing board of an association operating pursuant to Minnesota Statutes, Chapter 354A shall promptly remit employee contributions and amounts paid as a part of the state's obligation pursuant to section 2 of this article to the board of trustees of the teachers retirement association. Funds received by the board pursuant to section 2 of this article and funds remitted by an association in a city of the first class pursuant to this section shall be deposited in a teacher's benefit fund under the management of the board of trustees of the teachers retirement association and the investment jurisdiction of the state investment board. The balance in the fund from time to time plus any interest or investment income shall be used and are hereby appropriated for the payment of benefits pursuant to sections 1 to 11 of this article.*

Sec. 4. [PART TIME EMPLOYMENT.] *A teacher with at least 10 years of full time teaching service in the state may contract with the employing school board to perform teaching service on a part time basis. A part time basis shall mean employment for fractional portions of the full school day or the full school year or a combination thereof, and for which the teacher is compensated at a rate not less than 30 nor more than 50 percent of the compensation established by the school board for a full time teacher of identical education and experience within the district. A teacher employed on a part time basis pursuant to this section shall retain all seniority and tenure rights as though employed on a full time basis.*

Sec. 5. [SEVERANCE PAY.] *A teacher with at least 15 years of full time teaching service in the state and who is under the age of 60 years may contract with the employing school board for a lump sum severance payment to be paid from the teachers benefit fund. The amount of severance pay shall be an amount not exceeding \$6,500 in the 1977-1978 school year, and shall increase by five percent in each school year thereafter. A teacher contracting for severance pay pursuant to this section shall not thereafter resume employment as a teacher for a period of one year. Upon expiration of the one year period the teacher may again be employed in a teaching position, but shall not be entitled to any*

seniority or tenure benefits or salary increments based upon the period of teaching service for which severance pay was made. A teacher may receive a severance pay payment pursuant to this section only once.

Sec. 6. [SABBATICAL LEAVE.] A teacher with at least 10 years of full time teaching service in the state may also be placed upon sabbatical leave by agreement with the employing school board. In the event a sabbatical leave is granted, the leave shall be governed by section 354.092 or the applicable provisions of the bylaws of a retirement association operating pursuant to chapter 354A to the extent consistent with this act. A teacher granted sabbatical leave under this section shall retain all tenure and seniority rights in the district.

Sec. 7. [LEAVE UNDER OTHER CIRCUMSTANCES.] In addition to any leave authorized by section 6 of this article, the school board of any district may grant a leave of absence for a period not exceeding one year to a teacher. The teacher granted leave shall retain all rights of seniority, and shall be entitled to a continuance of all insurance benefits furnished by the district upon payment of the cost of such benefits by the teacher. No allowable service credit shall be accrued and no payments made pursuant to section 9 of this article on behalf of a teacher placed on leave pursuant to this section.

Sec. 8. [CONTRIBUTIONS, SERVICE CREDIT.] Notwithstanding any provision of Minnesota Statutes, Chapters 354 or 354A or bylaw of a retirement association to the contrary, employee and employer contributions to the appropriate retirement fund and accrual of allowable service credit toward retirement in the case of a teacher contracting for part time employment pursuant to section 4 of this article or placed upon sabbatical leave pursuant to section 6 of this article, shall be continued during the period of part time employment or leave upon the same basis and in the same amounts as would be payable or accrued were the teacher employed on a full time basis. In the case of a teacher contracting for severance pay pursuant to section 5 of this article, the severance payment shall constitute the only obligation of the employing school board or of the state to the teacher pursuant to sections 1 to 13 of this article.

Sec. 9. [INSURANCE BENEFITS.] A school board entering into an agreement for part time teaching service pursuant to section 4 of this article, or granting a sabbatical leave pursuant to section 6 of this article shall take all steps necessary to assure continuance of any insurance programs or other benefits furnished or authorized a full time teacher on an identical basis and with identical sharing of cost for the part time teacher or teacher on sabbatical leave.

Sec. 10. [PAYMENTS FROM FUND.] There shall be paid from the teachers benefit fund established by section 3 of this article the following retirement contributions, insurance and other benefits, and severance pay:

(1) On behalf of a teacher contracting for part time employment pursuant to section 4 of this article, there shall be paid to

the teachers retirement fund or the local fund operated pursuant to Minnesota Statutes, Chapter 354A, as the case may be, an amount equal to the employee contribution on that portion of salary representing the difference between the part time teachers actual salary and the salary the teacher would be entitled to as a full time teacher. An amount representing a like proportion of the cost to the employee of insurance and other benefits, if any, required to be maintained by section 8 of this article, shall be paid as reimbursement to the employing school district.

(2) On behalf of a teacher placed on sabbatical leave pursuant to section 6 of this article, and notwithstanding Minnesota Statutes, Section 354.092, there shall be paid to the teachers retirement fund or the local fund, as the case may be, an amount equal to the employee contribution on the salary the teacher would be entitled to as a full time teacher. An amount representing the cost to the employee of insurance and other benefits, if any, required to be maintained by section 8 of this article, shall be paid as reimbursement to the employing school district. Payments shall not be made for a period of sabbatical leave longer than one year under this clause.

(3) To a teacher entitled to severance pay pursuant to section 5 of this article, the total amount of the severance pay.

(4) To the board of trustees of the teachers retirement association, an amount equal to the costs of administering sections 1 to 13 of this article in each year.

Sec. 11. [ADMINISTRATION.] The board of trustees of the teachers retirement association shall administer sections 1 to 13 of this article and shall promulgate rules necessary to its administration including, but not limited to, documentation required for disbursements from the teachers benefit fund. The board may contract for such actuarial and technical services as may be required to monitor the status of the fund and shall report annually to the legislative commission on pensions and retirement its findings in regard thereto and recommendations for any required legislation.

Sec. 12. [REPORTS.] Each year, the superintendent of each school district in the state shall report to the board of trustees on the extent of participation in that district in each of the options allowed under sections 1 to 11 of this article. The report shall also include the amount of savings to the district in that year because of participation by teachers in these options.

Sec. 13. [FINANCING.] Subdivision 1. At least once each month the executive secretary of the board of trustees shall determine the amount of money necessary and presently needed to meet the state's obligation as provided in section 2 of this article, and shall certify the amount so determined to the commissioner of finance. The amount so certified shall be transferred immediately to the teacher's benefit fund.

Subd. 2. To meet the state's obligation prescribed in subdivision 1, such moneys as are required therefor are appropriated annually

to the commissioner of finance from the general fund. The moneys appropriated hereby to the commissioner of finance shall be deposited by him in the state treasury to the credit of the teacher's benefit fund.

Sec. 14. Sections 1 to 13 of this article shall expire on July 1, 1982 unless otherwise extended by the legislature. If sections 1 to 13 of this article expire on that date, employee contributions made pursuant to section 2 of this article and any interest thereon shall be returned by the board of trustees of the teachers retirement association to each contributing employee less any amounts received by that employee pursuant to sections 1 to 13 of this article."

Further, amend the title by striking it in its entirety and inserting the following:

"A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the commissioner of education, the state board of education, and the state board for vocational education; requiring a certificate of need for certain school district construction; providing a June 1 date for the discharge or termination of certain teachers; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 1a; 121.11, Subdivision 5; 121.902; 121.908, by adding a subdivision; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivisions 1 and 2; 122.21, Subdivision 6; 123.335, Subdivision 2; 123.351, Subdivision 4; 123.39, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2, and by adding a subdivision; 124.11; 124.14, Subdivision 1; 124.17, Subdivision 1, and by adding a subdivision; 124.19, Subdivision 1; 124.212, Subdivisions 4, 6b, 7b, 8a and 11, and by adding subdivisions; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3 and 6; 124.223; 124.24; 124.26, Subdivision 4; 124.271, Subdivision 2; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.563, Subdivisions 1 and 3; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 124.611; 125.12, Subdivisions 3, 4 and 10; 125.17, Subdivision 3; 273.138, Subdivision 3; 275.124; 275.125, Subdivisions 2a; 4, 5, 8, 9, 9a, 12, 13 and by adding subdivisions; 475.61, Subdivision 4; Chapter 121, by adding a section; Chapter 124, by adding sections; Laws 1976, Chapter 271, Sections 94 and 98, Subdivision 3; and Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended; repealing Minnesota Statutes 1976, Sections 123.40, Subdivision 7; 123.80, Subdivision 1; 124.04; 124.14, Subdivision 2; 124.19, Subdivision 2; 124.212, Subdivisions 3a and 19; 124.215, Subdivisions 2a, 3, 4, 5, 7 and 8; 124.221; 124.222, Subdivisions 4 and 5; 124.23; 124.25; 124.271, Subdivision 1; 124.30; 124.562, Subdivisions 5 and 6; 124.563, Subdivision 4; 124.565, Subdivisions 2 and 5; 124.57; 126.021; 126.022; 126.024; 273.138, Subdivision 7; 473.633; and 473.635."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-referred

S. F. No. 1078: A bill for an act relating to transportation; restructuring state and local financing of the operations of the Twin Cities metropolitan transit commission; requiring performance funding; changing the taxing authority of the commission; authorizing the sale of bonds for particular purposes; limiting operating deficits on all regular routes; providing for initiation of and reimbursement for certain new routes; establishing reduced fare service for the elderly, students and handicapped and reimbursing the commission for such service; extending the statewide supplemental transit aid program; establishing a statewide paratransit demonstration grant program; defining "transit"; requiring annual permits for overlength articulated buses; granting powers to and imposing duties on the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 169.-81, by adding a subdivision; 473.121, Subdivision 19, and by adding a subdivision; 473.402; 473.413, Subdivision 8; 473.421; 473.-423, Subdivision 1; 473.446, Subdivision 1; Chapters 174, by adding a section; and 473, by adding sections; repealing Minnesota Statutes 1976, Section 473.446, Subdivisions 4 and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 21, strike "severe"

Page 4, strike lines 31 and 32

Page 5, strike lines 1 to 18

Page 6, line 6, restore the stricken language "served by"

Page 6, line 7, strike "provided with" and insert "public"

Page 6, line 7, strike "service"

Page 7, line 15, strike "sold by the commission"

Page 7, strike lines 16 and 17

Page 7, line 18, strike everything before "in"

Page 7, line 19, before "during" insert "which the commission is authorized to sell"

Page 7, strike lines 23 to 28

Page 7, line 31, after "Subdivision 1." insert "[SOCIAL FARES.]"

Page 8, line 11, before the period insert "; and (d) one-half of the full fare for all full-time, post-secondary students enrolled in Minnesota schools who hold identification approved by the commission"

Page 8, line 17, strike "quarterly" and insert "monthly"

Page 8, line 19, strike "quarter" and insert "month"

Page 8, line 25, before the period insert "or community activity center"

Page 8, line 25, after the period, insert "*The affected municipality shall contribute at least 50 percent of the costs of operating any such route that is exclusively confined to a downtown area or community activity center.*"

Page 8, line 27, after "fares" insert "*required under subdivision 1*"

Page 8, line 29, after "passes" insert "*or for other special promotional efforts,*"

Page 9, line 10, strike "*the total amount of*"

Page 9, strike lines 11 and 12

Page 9, line 13, strike "*route bus service, including*"

Page 9, line 14, strike "*and*" and insert "*plus*"

Page 9, line 19, strike "*10*" and insert "*9*"

Page 9, line 22, strike "*for*" and insert "*during*"

Page 9, line 23, strike "*period*" and insert "*year*"

Page 10, line 1, strike "*quarter*" and insert "*month*"

Page 10, line 2, after the period, insert "*The commissioner shall use these figures reported by the commission in computing payments due under any contract entered into pursuant to this section.*"

Page 10, line 23, strike "*8*" and insert "*7*"

Page 10, line 24, strike "*10*" and insert "*9*"

Page 10, line 30, after "section" insert "*for a term of a full calendar year*"

Page 11, line 1, strike "*During*" and insert "*For*"

Page 11, line 3, strike "*pay an amount*"

Page 11, strike lines 4 and 5 and insert "*proceed as follows: (a) the*"

Page 11, line 7, strike "*(a)*"

Page 11, line 11, strike "*(b)*"

Page 11, line 12, strike the period and insert a semicolon

Page 11, strike lines 13 to 17

Page 11, line 18, strike "*that calendar year.*" and insert

"(b) the commissioner shall then subtract the figure obtained by the calculation under clause (a) from the subsidy per passenger provided by law for that calendar year; and (c) the commissioner shall forthwith pay to the commission the amount equal to the remainder obtained under clause (b) multiplied by the reported number of passengers carried during the preceding month."

Page 11, line 25, after "*(b)*," insert "*and divided by the reported number of passengers carried during that year,*"

Page 11, line 26, after the period insert *"If a contract provides for a term of less than a full calendar year, the commissioner shall pay the sums owed under the contract according to the provisions of this subdivision as far as practicable."*

Page 11, line 30, strike "53" and insert "48"

Page 11, line 31, strike "54" and insert "49"

Page 11, line 31, strike "calendar year" and insert *"the six month period ending June 30,"*

Page 12, line 27, strike "By" and insert *"Following"*

Page 12, line 29, strike "by" and insert *"following"*

Page 13, line 6, strike "3" and insert "4"

Page 13, line 18, after "municipality" insert *"," county"*

Page 13, line 21, after "service" insert *"by the commission"*

Page 13, line 22, after "municipality" insert *"or county"*

Page 13, strike lines 28 to 32

Page 14, strike lines 1 to 12 and insert:

"Notwithstanding the enumeration of cities, towns or unorganized territories provided in section 473.446, subdivision 2, any such town, city or unorganized territory otherwise included in the metropolitan transit taxing district for which no regular route bus service is provided by the commission or by a private carrier receiving an operating subsidy from the commission, or for which no service is provided by any project receiving a state paratransit demonstration grant, shall be subject to the tax authorized under section 473.446, subdivision 1a."

Page 16, line 26, strike "unless" and insert *"if: (1)"*

Page 16, line 27, after "was" and insert *"not"*

Page 16, line 27, after "reviewed" insert *"and approved"*

Page 16, line 29, after "transportation" insert *"plans"*

Page 16, line 30, strike "plans" and insert *"guides"*

Page 16, line 30, before the period insert:

"; or (2) in the case of a project to be operated in the metropolitan area, the application has not been reviewed by the Twin Cities area metropolitan transit commission for consistency with its transportation development program; or (3) the project will cause a reduction in ridership on existing regular route bus service. Provided that, any regional development commission that has not adopted a transportation plan may review but may not approve or disapprove of any application"

Page 16, line 32, strike "The"

Page 17, strike lines 1 to 4

Page 17, line 20, strike "all"

Page 17, line 27, strike "12" and insert "11"

Page 18, line 5, strike "\$16,000,000" and insert "\$13,700,000"

Page 18, line 11, strike "9" and insert "8"

Page 18, line 13, strike "\$8,300,000" and insert "\$9,700,000"

Page 18, line 16, strike "8" and insert "7"

Page 18, line 18, strike "\$2,500,000" and insert "\$4,000,000"

Page 18, line 21, strike "12" and insert "11"

Page 18, line 24, strike "\$500,000" and insert "\$2,000,000"

Page 18, line 29, strike "10" and insert "9"

Page 19, line 6, strike "\$3,900,000" and insert "\$3,000,000"

Page 19, line 8, strike "\$3,100,000" and insert "\$4,000,000"

Page 19, after line 10, insert:

Subd. 6. [OTHER COSTS OF COMMISSION.] The following sums are appropriated from the general fund to the department of transportation for the biennium ending June 30, 1979, and shall be paid to the Twin Cities area metropolitan transit commission for expenditure for the following purposes:

(a) To pay general administrative expenses of the commission. . \$1,200,000. No money appropriated under this clause may be used to pay any expenses related to the St. Paul downtown people mover demonstration project.

(b) To pay the expenses of operating project mobility for handicapped persons. . \$1,200,000.

(c) To pay subsidies to private operators of regular route bus service as provided by law. . \$1,200,000.

Subd. 7. [OUTSTATE PUBLIC TRANSIT DEMONSTRATION GRANTS.] The sum of \$600,000 is appropriated from the general fund to the department of transportation for the biennium ending June 30, 1979, for the purpose of making public transit demonstration grants pursuant to Laws 1974, Chapter 534, Section 5, in areas of the state outside the metropolitan area as defined in section 473.121, subdivision 2."

Renumber the remaining subdivision

Page 19, line 21, after "Sections" insert "9,"

Page 19, line 21, after "11" strike the comma and insert "and"

Page 19, line 21, strike "and 13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the semicolon insert "requiring reduced

transit tax levy in municipalities with no subsidized transit service;"

Page 1, line 22, strike "473.413, Subdivision 8;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 497: A bill for an act relating to human rights; prohibiting certain discrimination; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; and 363.03, Subdivisions 1, 2, 5 and 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "OR SEXUAL"

Page 1, lines 11 and 22, strike "*or sexual*"

Page 1, line 11, strike "*having*" and insert "*feeling*"

Page 1, line 12, strike "*another*" and insert "*a particular class of*"

Page 1, line 13, strike "*person or*"

Page 1, line 13, strike "*, or having or manifesting a preference for*"

Page 1, strike line 14 except for the period

Page 1, after line 14 insert

"Sec. 2. Minnesota Statutes 1976, Section 363.02, Subdivision 2, is amended to read:

Subd. 2. [HOUSING.] The provisions of section 363.03, subdivision 2, shall not apply to

(a) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex or (b) the rental by an owner or occupier of a one-family accommodation in which he resides of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance, *affectional preference* or disability. Nothing in this chapter shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract."

Page 2, lines 14 and 25, strike "*or sexual*"

Page 3, lines 8, 17 and 25, strike "or sexual"

Page 4, lines 7, 12 and 26, strike "or sexual"

Page 5, lines 5, 12 and 17, strike "or sexual"

Page 5, line 29, strike "or"

Page 5, line 30, strike "sexual"

Page 6, lines 9 and 22, strike "or sexual"

Page 7, line 8, strike "or"

Page 7, line 9, strike "sexual"

Page 7, lines 27 and 32, strike "or sexual"

Page 8, lines 7 and 14, strike "or sexual"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "363.02, Subdivision 2;"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1386: A bill for an act relating to flood control and water management problems in the watershed of the Red River of the North; providing for water retention projects; appropriating money to the lower Red River watershed management board.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 9 to 23

Page 2, strike lines 1 to 20 and insert

"Section 1. Laws 1976, Chapter 162, Section 1, is amended to read:

Section 1. [RED RIVER WATERSHED; TAX BY WATERSHED DISTRICTS.] Each watershed district located within the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Clay, Mahnomon, Clearwater, Roseau, Wilkin, Ottertail, and Becker, which district is a member of the lower Red River watershed management board, established by a joint powers agreement in accordance with the 1974 edition of Minnesota Statutes, Section 471.59, may levy an ad valorem tax not to exceed two mills on each dollar of assessed valuation of all taxable property within the district for a period not to exceed ten consecutive years. This levy shall be in excess of any levy authorized by the 1974 edition of Minnesota Statutes, Section 112.61. *The managers shall allocate the proceeds of one-half of this levy shall be credited to the district's between its administrative fund and , which shall be used for the construction and*

maintenance of projects of common benefit to the *levying* district , *and the administrative fund of the lower Red River watershed management board, which shall be used for its general administrative expenses and for the construction and maintenance of projects of common benefit to more than one member district* . The proceeds of the remaining one-half of this levy shall be credited to the construction fund of the lower Red River watershed management board and shall be used for the construction and maintenance of projects of common benefit to more than one member district."

Page 2, underline the new language in lines 21 to 25

Amend the title as follows:

Page 1, line 6, after "board" insert "; amending Laws 1976, Chapter 162, Section 1"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 997: A bill for an act relating to civil actions; abolishing all civil causes of action for breach of promise to marry, alienation of affections, criminal conversation and seduction; providing penalties.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, strike "The remedies"

Page 1, line 9, strike "provided by law for the enforcement of"

Page 1, line 12, strike "subjected" and insert "subject"

Page 1, line 12, strike "extreme annoyance" and insert "intimidation and harassment"

Page 1, line 13, strike "embarrassment, humiliation and pecuniary damage"

Page 1, line 13, strike "many" and insert "innocent"

Page 1, line 14, strike "wholly innocent and free of any wrongdoing, who were"

Page 1, strike lines 15 to 17

Page 1, line 18, strike "commission of crime"

Page 1, line 18, strike "in many cases"

Page 2, line 11, after "any" insert "action alleging breach of"

Page 2, line 11, after "marry" insert "be heard in the courts of this state"

Page 2, line 11, strike ", made"

Page 2, strike lines 12 to 13 except the period

Page 2, strike all of section 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, strike “; providing penalties”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was re-referred

S. F. No. 743: A bill for an act relating to health; establishing a health program for pre-school children; providing for reimbursement to school districts; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, strike “or” and insert a comma

Page 1, line 21, after “cooperation” insert “, by educational cooperative service units, by early childhood and family education programs, or by other existing programs”

Page 2, line 9, after the period insert “No child shall be required to submit to any component of this screening program to be eligible for any other component.”

Page 3, line 17, strike “; provided, no data on an” and insert a period

Page 3, strike lines 18 and 19

Page 3, line 21, strike “reimburse” and insert “pay”

Page 3, line 22, strike “reimbursement” and insert “payment”

Page 3, line 23, after “\$” insert “13”

Page 3, line 24, after “\$” insert “24”

Page 3, line 26, strike “reimbursement” and insert “payment”

Page 3, line 30, after “\$” insert “650,000”

Page 3, line 31, after “\$” insert “1,200,000”

Page 3, line 31, strike “reimbursement of” and insert “payments to”

Page 4, line 2, after “\$” insert “90,500”

Page 4, line 3, after “\$” insert “90,500”

Page 4, line 8, after “\$” insert “97,395”

Page 4, line 9, after “\$” insert “106,895”

Further, amend the title as follows:

Page 1, line 4, strike “reimbursement” and insert “payments”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1118: A bill for an act relating to wild animals; revising certain provisions regarding placement of decoys; amending Minnesota Statutes 1976, Section 100.29, Subdivision 18.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "*where decoys are*" and insert "*when a blind is*"

Page 1, line 10, after "*lawfully*" insert "*erected or where decoys are lawfully placed in public water or*"

Page 1, line 11, after "*overnight*" insert "*in public waters*"

Page 1, line 14, after the period insert "*Except as otherwise provided in this subdivision,*"

Page 1, line 20, after the period insert "*It shall not constitute an unlawful reservation or preemption of a shooting location in public waters to place or leave decoys within 300 feet of the high water mark or to erect a blind between the high water mark and the low water mark provided such placement, leaving or erection be made adjacent to private land by the owner or other lawful occupant thereof for exclusive use by him or others having his express permission.*"

Amend the title as follows:

Line 3, after "decoys" insert "and the erection of blinds"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 867: A bill for an act relating to the state housing finance agency; setting the amount of bonds and notes that may be outstanding; clarifying eligibility; providing for fund administration and repayment requirements; appropriating money; amending Minnesota Statutes 1976, Sections 462A.03, Subdivision 7; 462A.21, Subdivisions 4b and 5; and 462A.22, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 462.555, is amended to read:

462.555 [MANNER OF BOND ISSUANCE; SALE.] Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates,

not exceeding seven percent per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption (with or without premium) as *such the* resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or private sale at not less than par. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to sections 462.415 to 462.711 shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforceability of any bonds of an authority or the security therefor, any *such* bond reciting in substance that it has been issued by the authority to aid in financing a project, as herein defined, shall be conclusively deemed to have been issued for *such the* purpose, and *such the* project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of sections 462.415 to 462.711. *Notwithstanding any other provision of this section, an authority shall be authorized to execute a note secured by a mortgage at a rate of interest in excess of seven percent per annum with the Minnesota housing finance agency, pursuant to chapter 462A, to finance a housing project which is subsidized in whole or in part with funds provided by the federal government.*

Sec. 2. Minnesota Statutes 1976, Section 462A.03, Subdivision 13, is amended to read:

Subd. 13. "Eligible mortgagor" means a nonprofit or cooperative housing corporation, limited profit entity or a builder as ~~the same are~~ defined by the agency in its rules, which sponsors or constructs residential housing as defined in subdivision 7, or a natural person of low or moderate income, except that the return to a limited dividend entity shall not exceed six percent of the capital contribution of the investors or such lesser percentage as the agency shall establish in its rules. Owners of existing residential housing occupied by renters shall be eligible for rehabilitation loans, only if, as a condition to the issuance of the loan, the owner agrees to conditions established by the agency in its rules relating to rental or other matters that will insure that the housing will be occupied by persons and families of low or moderate income. The agency shall require by rules that the owner give preference to those persons of low or moderate income who occupied the residential housing at the time of application for the loan.

Sec. 3. Minnesota Statutes 1976, Section 462A.05, Subdivision 3, is amended to read:

Subd. 3. It may agree to purchase, make, or otherwise participate in the making and enter into commitments for the purchase, making, or participation in the making of long term eligible mortgage loans to sponsors of residential housing for occupancy by persons and families of low and moderate income, or to persons and families of low and moderate income who

may purchase ~~such~~ *the* residential housing. ~~Such~~ *The* loans shall be made only upon determination by the agency that long term mortgage loans are not otherwise available, wholly or in part, from private lenders upon equivalent terms and conditions. *In establishing maximum mortgage amounts and maximum purchase prices for single family dwellings, the agency shall take into account housing cost differences in the regions of the state.*

Sec. 4. Minnesota Statutes 1976, Section 462A.05, Subdivision 5, is amended to read:

Subd. 5. It may make temporary loans solely to "nonprofit" or "cooperative housing" sponsors as defined by the agency, with or without interest, and with ~~such~~ security for repayment, if any, as the agency determines reasonably necessary and practicable, solely from the housing development fund, in accordance with the provisions of section 462A.21, to defray development costs to sponsors of residential housing construction for occupancy by persons and families of low and moderate income which development costs are eligible or potentially eligible for construction loans or mortgages.

Sec. 5. Minnesota Statutes 1976, Section 462A.05, Subdivision 14, is amended to read:

Subd. 14. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participation in the making, of eligible loans for rehabilitation to persons and families of low and moderate income, and to owners of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. ~~Such~~ *The* loans may be insured or uninsured and may be made with ~~such~~ security, or may be unsecured, as the agency deems advisable. *The loans may be in addition to or in combination with long term eligible mortgage loans under subdivision 3 of this section.* They may be made in amounts sufficient to refinance existing indebtedness secured by the property, if ~~such~~ refinancing is determined by the agency to be necessary to permit the owner to meet his housing cost without expending an unreasonable portion of his income thereon. No loan for rehabilitation shall be made unless the agency determines that ~~such~~ *the* loan will be used primarily to make the housing more desirable to live in, to increase the market value of the housing, for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing, or to accomplish energy conservation related improvements. In unincorporated areas and municipalities not having ~~such~~ codes and standards, the agency may, solely for the purpose of administering the provisions of this chapter, establish ~~such~~ codes and standards. No loan for rehabilitation of any property shall be made in an amount which, with all other existing indebtedness secured by the property, would exceed its market value, as determined by the agency. No loan for rehabilitation of owner occupied residential housing shall be denied solely because the loan will not be used for placing ~~such~~ *the* residential housing in full

compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing. Rehabilitation loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 6. Minnesota Statutes 1976, Section 462A.05, Subdivision 15, is amended to read :

Subd. 15. It may make grants to persons and families of low and moderate income to pay or to assist in paying a loan made pursuant to subdivision 14, or to rehabilitate or to assist in rehabilitating existing residential housing owned or occupied by such persons or families. For the purposes of this section, persons of low and moderate income include administrators appointed pursuant to section 566.25, clause (c). No such grant shall be made unless the agency determines that such the grant will be used primarily to make the housing more desirable to live in, to increase the market value of the housing or for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing. In unincorporated areas and municipalities not having such codes and standards, the agency may, solely for the purpose of administering this provision, establish such codes and standards. No grant for rehabilitation of owner occupied residential housing shall be denied solely because the grant will not be used for placing such the residential housing in full compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing, or to accomplish energy conservation related improvements. The amount of any such grant shall not exceed the lesser of (a) \$5,000, or (b) the actual cost of the work performed, or (c) that portion of the cost of rehabilitation which the agency determines cannot otherwise be paid by such the person or family without spending an unreasonable portion of the income of such the person or family thereon ; *provided, however, that a grant may exceed \$5,000 by an amount, up to \$2,500, necessary to improve the accessibility of residential housing to a handicapped occupant* . In making such grants, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion thereof will be repaid and shall determine the appropriate security should such repayment be required.

The agency may also make grants to rehabilitate or to assist in rehabilitating housing under this subdivision to persons of low and moderate income for the purpose of qualifying as foster parents.

Sec. 7. Minnesota Statutes 1976, Section 462A.05, is amended by adding a subdivision to read:

Subd. 15a. The agency shall allocate ten percent of any funds available for the purposes of subdivisions 14 and 15 of this section for making loans and grants to persons and families of low and moderate income within areas in which concentrated rehabilitation programs are being carried out.

Sec. 8. Minnesota Statutes 1976, Section 462A.05, is amended by adding a subdivision to read:

Subd. 18. It may make loans solely to "non-profit" sponsors as defined by the agency, with or without interest, and with such security for repayment, if any, as the agency determines reasonably necessary and practicable, solely from the housing development fund in accordance with the provisions of section 16, to encourage innovations in the development or rehabilitation of single and multifamily residential housing including the demonstration of new techniques for energy efficient construction.

Sec. 9. Minnesota Statutes 1976, Section 462A.07, is amended by adding a subdivision to read:

Subd. 3a. It shall make available technical assistance to potential applicants to encourage applications for multifamily housing projects which afford residents participation in the ownership or management of the project.

Sec. 10. Minnesota Statutes 1976, Section 462A.07, is amended by adding a subdivision to read:

Subd. 5a. It may enter into agreements with housing and redevelopment authorities or other appropriate local governmental units to foster multifamily housing rehabilitation and shall act to develop the agreements. It may give advance reservations of mortgage financing and federal rent subsidies as part of the agreements, with the understanding that the agency will only approve the mortgage loans pursuant to normal procedures, and may adopt special procedures designed to meet problems inherent in a program of multifamily housing rehabilitation. The agreements may include the United States department of housing and urban development when desirable and appropriate.

Sec. 11. Minnesota Statutes 1976, Section 462A.07, Subdivision 12, is amended to read:

Subd. 12. It may delegate, use or employ any federal, state, regional or local public or private agency or organization, including organizations of physically handicapped persons, upon such terms as it deems necessary or desirable, to assist in the exercise of any of the powers granted in Laws 1974, Chapter 441 sections 462A.01 to 462A.24 and to carry out the objectives of Laws 1974, Chapter 441, sections 462A.01 to 462A.24 and may pay for such the services from the housing development fund.

Sec. 12. Minnesota Statutes 1976, Section 462A.09, is amended to read:

462A.09 [BONDS AND NOTES; RESOLUTIONS AUTHORIZING, ADDITIONAL TERMS, SALE.] The notes and bonds of the agency shall be authorized by a resolution or resolutions adopted by the agency, shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, be in such denominations, be in such form, carry such

registration privileges, be executed in such manner, be payable in lawful money of the United States of America, at such place or places within or without the state, and be subject to such terms of redemption prior to maturity as such resolutions or certificates may provide. No note shall mature more than ten years from its date or from the date of any note refunded thereby. The maximum maturity of any bond, whether or not issued for the purpose of refunding, shall be 50 years from its date. The notes and bonds of the agency may be sold at public or private sale, at such price or prices as the agency shall determine ; *provided that in no event shall the net proceeds to the agency of any issuance of bonds be less than 98 percent of the face amount of the bonds. Prior to the sale of notes and bonds, the agency shall consult with the executive secretary of the state board of investment on the terms and conditions of the bonds and appropriate underwriting fees. The executive secretary of the state board of investment shall participate in the negotiations for the sale of bonds of the agency.*

Sec. 13. Minnesota Statutes 1976, Section 462A.21, Subdivision 4a, is amended to read:

Subd. 4a. It may make rehabilitation grants and expenditures for correction of residential housing defects as provided in section 462A.05, subdivisions 15 and 16. *In order to insure the preservation of the maximum number of housing units with the funds appropriated by the legislature, grants shall be recovered by the agency to be used for future grants to the extent provided in this section. Grants made under the terms of this subdivision shall contain a requirement that the grant be recovered by the agency in accordance with the following schedule:*

(1) If the property is sold, transferred, or otherwise conveyed within the first five years after the date of a grant, the recipient shall repay the full amount of the grant;

(2) If the property is sold, transferred, or otherwise conveyed within the sixth year after the date of a grant, the recipient shall repay 80 percent of the amount of the grant;

(3) If the property is sold, transferred, or otherwise conveyed within the seventh year after the date of a grant, the recipient shall repay 60 percent of the amount of the grant;

(4) If the property is sold, transferred, or otherwise conveyed within the eighth year after the date of a grant, the recipient shall repay 40 percent of the amount of the grant;

(5) If the property is sold, transferred, or otherwise conveyed within the ninth year after the date of a grant, the recipient shall repay 20 percent of the amount of the grant; or

(6) If the property is sold, transferred, or otherwise conveyed within the tenth year after the date of the grant, or thereafter, there shall be no repayment requirement; provided that no repayment shall be required to the extent that the grants are made to improve the accessibility of residential housing to a handicapped occupant.

Sec. 14. Minnesota Statutes 1976, Section 462A.21, Subdivision 4b, is amended to read:

Subd. 4b. It may establish loan funds and may make eligible loans from them, at rates of interest and with security as the agency deems advisable, if each loan is determined by the agency to be necessary to permit the occupant of residential housing financing wholly or in part by any such the loan to meet his housing costs without expending an unreasonable portion of his income on them. It may combine loan funds established pursuant to legislative appropriations with loan funds established for the same or similar purposes pursuant to the sale of its notes or bonds, and such combined funds may be deposited with a trustee. Each combined fund, including loan and investment principal and income received therefrom, shall be administered, disbursed, and collected as provided in the appropriation act and the resolution or indenture securing the bonds or notes.

Sec. 15. Minnesota Statutes 1976, Section 462A.21, is amended by adding a subdivision to read:

Subd. 8. It may establish a home ownership assistance fund, on terms and conditions as it deems advisable, to assist persons and families of low and moderate income in making down payments and paying installments of eligible loans for affordable residential housing and may use the subsidies to provide additional security for eligible loans. Any assistance in making down payments shall not exceed \$1,000 and shall be repaid in full without interest. Any subsidy for payments of installments of an eligible loan shall not exceed \$85 per month; shall be applied against the monthly installments of the eligible loan; shall decrease ratably over the term of the subsidy, which shall not exceed 17 years; and shall be repaid in full without interest.

Sec. 16. Minnesota Statutes 1976, Section 462A.21, is amended by adding a subdivision to read:

Subd. 9. It may make loans to encourage innovations in the development or rehabilitation of single or multifamily residential housing pursuant to section 7, with the approval of the legislative advisory committee. Loans pursuant to this subdivision may only be made with specific appropriations from the legislature.

Sec. 17. Minnesota Statutes 1976, Section 462A.21, is amended by adding a subdivision to read:

Subd. 10. Notwithstanding the provisions of section 23 or Minnesota Statutes, Section 16A.28 or any other laws relating to lapse of an appropriation, the appropriations made to the agency by the legislature in 1976 and subsequent years shall be available until fully expended, and the allocations provided in the appropriations shall remain in effect; provided that earnings from investments of any of the amounts appropriated to the agency shall be appropriated to the agency to be used for the same purposes as the respective original appropriations.

Sec. 18. Minnesota Statutes 1976, Section 462A.22, Subdivision 1, is amended to read:

462A.22 [BOND FUND.] Subdivision 1. The aggregate principal amount of bonds and notes which are outstanding at any time, excluding the principal amount of any bonds and notes refunded by the issuance of new bonds or notes, shall not exceed the sum of:

(a) ~~\$100,000,000~~ \$200,000,000 issued for the purpose of providing funds for rehabilitation loans, or refunding bonds or notes issued for this purpose, plus

(b) ~~\$500,000,000~~ \$700,000,000 issued for other purposes specified in section 462A.08.

Sec. 19. Minnesota Statutes 1976, Section 462A.22, is amended by adding a subdivision to read:

Subd. 1a. Not less than 20 percent of the proceeds of the additional bonds authorized in subdivision 1, paragraph (b), which are used for the purpose of providing for multifamily residential housing shall be allocated by the agency for eligible loans involving the rehabilitation of existing buildings.

Sec. 20. Minnesota Statutes 1976, Section 462A.22, Subdivision 9, is amended to read:

Subd. 9. The agency shall also submit a biennial report of its activities, projected activities, receipts, and expenditures for the next biennium, to the governor and the legislature on or before January 15 in each odd-numbered year. The report shall include the distribution of funds for each agency program by county, except for counties containing a city of the first class, where the distribution shall be reported by municipality. Within cities of the first class, the distribution of agency funds shall be reported by census tract.

Sec. 21. [APPROPRIATION.] *Subdivision 1. The sums set forth in this section are appropriated from the general fund to the housing development fund created in Minnesota Statutes, Section 462A.20, for the purposes specified in this section.*

Subd. 2. For making rehabilitation grants to persons and families of low income, as provided in Minnesota Statutes, Section 462A.21, Subdivision 4b, of which not less than \$500,000 shall be used for improving accessibility of housing occupied by persons who are physically handicapped.....\$25,000,000.

Subd. 3. For making low interest rate rehabilitation loans to persons and families of low and moderate income, as provided in Minnesota Statutes, Section 462A.21, Subdivisions 4b and 7.....\$10,000,000.

Subd. 4. For the home ownership assistance fund provided in section 15.....\$5,000,000.

Subd. 5. For the innovative development and rehabilitation loans provided in section 16.....\$1,000,000.

Sec. 22. [APPROPRIATION.] *The sum of \$500,000 is appropriated from the general fund to the commissioner of administration*

for the purpose of constructing at least six demonstration homes and related buildings to be occupied by department of natural resources personnel and their families on state owned lands as determined by the commissioner of natural resources. These dwellings shall demonstrate new and useful technologies for conserving energy. All of the homes shall demonstrate the use of solar energy technology. At least three of the homes shall demonstrate the use of underground construction. Related buildings may include other structures associated with the public use of state lands such as public shower facilities and nature centers may be constructed and operated to demonstrate techniques of conserving energy. Construction plans for the buildings shall be reviewed and approved by the Minnesota energy agency. Sections 16.821 to 16.867 shall not apply to the construction of homes pursuant to this section. Notwithstanding Minnesota Statutes, Section 16.07 or any provision of law to the contrary, the commissioner of administration may negotiate contracts for the design and construction of the demonstration homes.

Sec. 23. [REPEALER.] Minnesota Statutes 1976, Section 462A.26, is repealed.

Sec. 24. Section 1 of this act shall be effective on the day following final enactment."

Further, amend the title by striking it in its entirety and inserting:

"A bill for an act relating to housing; providing an exception to the interest limitation for borrowing by housing and redevelopment authorities; making certain changes in the laws relating to the operation of the housing finance agency; making cooperatives eligible for housing finance agency programs; establishing certain loan and assistance programs; increasing the bonding limitations of the agency; providing for a demonstration project for energy conserving construction; appropriating money; amending Minnesota Statutes 1976, Sections 462.555; 462A.03, Subdivision 13; 462A.05, Subdivisions 3, 5, 14, 15, and by adding subdivisions; 462A.07, Subdivision 12, and by adding subdivisions; 462A.09; 462A.21, Subdivisions 4a, 4b, and by adding subdivisions; and 462A.22, Subdivisions 1 and 9, and by adding a subdivision; repealing Minnesota Statutes 1976, Section 462A.26."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 822: A bill for an act relating to natural resources; amending certain laws concerning minnows; amending Minnesota Statutes 1976, Sections 97.40, Subdivision 27; 97.45, Subdivision 15; 97.55, Subdivision 13; 98.46, Subdivisions 5 and 17; and 101.42, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after the period insert "*The restriction of sections 97.40, 97.45, 97.55 and 101.42 as it pertains to leeches shall not apply to anyone 16 years of age or under.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 999, 804, 833, 796, 825, 1150, 903, 760, 963, 664, 426, 628, 557, 668 and H. F. No. 75, makes the following report:

That S. F. Nos. 999, 804, 833, 796, 825, 1150, 903, 760, 963, 664, 426, 628, 557, 668 and H. F. No. 75 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which was referred

H. F. No. 218 for comparison to its companion Senate File, reports the following House File was found identical and recommends the House File be given its Second Reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
218	246				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 176, 1004, 233, 964, 356, 39, 1064, 1028, 572, 932, 922, 882, 881, and H. F. No. 33, makes the following report:

That S. F. Nos. 176, 1004, 233, 964, 356, 39, 1064, 1028, 572, 932, 922, 882, 881 and H. F. No. 33 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 669: A bill for an act relating to energy; extending the life of the Minnesota energy agency; further defining large energy facility; requiring promulgation of certain energy conservation standards; revising certain requirements; prescribing penalties;

amending Minnesota Statutes 1976, Chapter 116H, by adding sections; and Sections 116H.02, Subdivision 5; 116H.07, Subdivision 1; 116H.12, Subdivision 5; 116H.121; 116H.124; 116H.126; and 116H.13, Subdivision 4; repealing Laws 1974, Chapter 307, Section 19.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 16.84, is amended to read:

16.84 [DEFINITIONS, STATE BUILDING CODE.] Subdivision 1. For the purposes of ~~Laws 1971, Chapter 561 sections 16.83 to 16.867~~, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of administration.

Subd. 2a. "City" means a home rule charter or statutory city.

Subd. 3. "Municipality" means any city, county, ~~town acting through its town board or other instrumentality of state government otherwise authorized by law to enact a building code which, as of May 27, 1971, has such a building code or which subsequently enacts a building code or town meeting the requirements of Minnesota Statutes, Section 368.01, Subdivision 1, or the University of Minnesota.~~

Subd. 4. "Code" means the state building code or any amendment thereof promulgated by the commissioner in accordance with the terms of ~~Laws 1971, Chapter 561 sections 16.83 to 16.867~~.

Subd. 5. "Committee" means the state building code standards committee established pursuant to ~~Laws 1971, Chapter 561 sections 16.83 to 16.867~~.

Subd. 6. "Agricultural building" means a structure on agricultural land as defined in section 273.13, subdivision 6, designed, constructed and used to house farm implements or agricultural produce or products used by the owner, lessee and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Sec. 2. Minnesota Statutes 1976, Section 16.851, is amended to read:

16.851 [STATE BUILDING CODE; APPLICATION.] *Subdivision 1. Effective July 1, 1972, The state building code shall apply state-wide and supersede and take the place of the building code of any municipality. Specifically, the code shall apply to any municipality which as of the effective date of this act has a building code and shall further apply to any municipality which chooses to adopt a building code thereafter. Said building code shall not apply to farm dwellings and buildings, except with*

respect to other state inspections required or other rulemaking authorized by Minnesota Statutes 1971, Section 104.05 as of the effective date of this act. The state building code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 104.05 and 326.244. Effective July 1, 1977, or as soon thereafter as possible, but in no event not later than July 1, 1978, all municipalities shall adopt and enforce the state building code with respect to new construction within their respective jurisdictions. If a city is enforcing the state building code on the effective date of this act, or determines by ordinance thereafter to undertake enforcement, it shall be charged with enforcement of the code within the city. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction; provided that where two or more non-contiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extra-territorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. Any city may thereafter enforce the code in the designated area to the same extent as if such property were situated within its corporate limits. A city which, on the effective date of this act, has not adopted the code may not commence enforcement of the code within or outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city will commence on the first day of January in the year following the notice and hearing. Municipalities may provide for the issuance of permits, inspection and enforcement within their jurisdictions by such means as may be convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition or alteration. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, it shall be the responsibility of the commissioner to train and designate individuals available to carry out inspection and enforcement on a fee basis.

Subd. 2. If the commissioner determines that a municipality with enforcement responsibility is not properly administering and enforcing the state building code as provided in section 16.867, the commissioner may cause administration and enforcement in the involved municipality to be undertaken by the state building

inspector. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the administrative procedure act. The commissioner shall quarterly bill each affected municipality for the administration and enforcement services rendered. Any costs to the state arising from the state administration and enforcement shall be borne by the subject municipality. The commissioner of administration shall annually certify to the commissioner of revenue any unpaid costs incurred by the state building inspector because of the failure of a municipality to administer and enforce the code. The commissioner of revenue is authorized to annually deduct any certified unpaid costs that are at least one year delinquent from state aid funds given to the municipality.

Sec. 3. Minnesota Statutes 1976, Section 16.86, Subdivision 4, is amended to read:

Subd. 4. *The commissioner, notwithstanding any law to the contrary, shall hold all state hearings and make all determinations regarding any subject matter dealt with in the code including those in which another department or agency proposes to adopt or amend its rules and regulations which are incorporated by reference into the code or whenever the commissioner proposes to incorporate such regulations into the state building code. In no event shall a state agency or department subsequently authorized to adopt rules and regulations involving state building code subject matter proceed to adopt the rules and regulations without prior consultation with the commissioner.*

Sec. 4. [TEMPORARY PROVISION.] *No later than January 1, 1978, the commissioner of administration shall submit to the legislature a report containing his findings and recommendations on the method by which municipalities can best implement and finance enforcement of the state building code. In preparing the report the commissioner shall consult with representatives of municipalities and persons involved in the building industry. The report of the commissioner shall also recommend a method for financing operations of the building code division. If the commissioner determines that statutory amendments are necessary, he shall submit amendments in bill form to the legislature as part of the report required by this section.*

Sec. 5. Minnesota Statutes 1976, Section 116H.02, Subdivision 5, is amended to read:

Subd. 5. "Large energy facility" means :

(a) Any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more ; any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel;

(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and having with more than 100 50 miles of its length in Minnesota ; ; or, any high voltage transmission line with a capacity of 300 kilovolts with more than 25 miles of its length in Minnesota;

(c) Any facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or *their derivatives thereof*, unless the facility would be at an existing petroleum storage site and would constitute an increase of less than 20 percent in the storage capacity at that site;

(d) Any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil or *their derivatives thereof*;

(e) Any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch and having with more than 50 miles of its length in Minnesota;

(f) Any facility designed for or capable of storing on a single site more than 100,000 gallons of liquified natural gas or synthetic gas;

(g) Any underground gas storage facility requiring a permit pursuant to section 84.57;

(h) Any facility designed or capable of serving as a depot for coal transported into this state for use within the state or transshipment from the state and;

(i) Any petroleum refinery;

(j) Any nuclear fuel processing or nuclear waste storage or disposal facility; and

(k) Any facility intended to convert coal any material into any other combustible fuel and having the capacity to process in excess of 25 tons of the material per hour.

Sec. 6. Minnesota Statutes 1976, Section 116H.07, Subdivision 1, is amended to read:

116H.07 [DUTIES.] Subdivision 1. It shall be the duty of The director ~~to shall~~ :

(a) Manage the agency as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116H.01 to 116H.15;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) Require certificate of need for construction of large energy facilities;

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116H.01 to 116H.15, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the *sources and uses of energy and the ways* in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met.

Sec. 7. *The director, in cooperation with the director of the state planning agency, the executive director of the pollution control agency, and the commissioners of natural resources and transportation, shall carry out a coal impact study and provide the legislature with an interim report and recommendations by January 1, 1978, and a final report by June 30, 1978.*

The study shall specify in five and ten year forecasts, the demand for coal in Minnesota by user type and location, estimate environmental impacts, examine transportation and handling system needs, discuss the potential for the use of coal gasification, and address the significant economic and institutional questions involved in bringing about a major shift in energy use from other fuels to coal.

Sec. 8. Minnesota Statutes 1976, Section 116H.12, Subdivision 5, is amended to read:

Subd. 5. ~~The director, in conjunction with the commissioner of administration, shall conduct studies of the state's and make recommendations concerning the purchase and use by the state and its political subdivisions of supplies, automobiles motor vehicles and equipment having a significant impact on energy use in order to determine the potential for energy conservation. The director may promulgate regulations to insure that energy use and conservation will be considered in state purchasing and, where appropriate, to require certain minimum energy efficiency standards in purchased products and equipment. No state purchas-~~

ing of equipment or material use shall occur that is not in conformity with these regulations.

Sec. 9. Minnesota Statutes 1976, Section 116H.12, is amended by adding a subdivision to read:

Subd. 11. Beginning January 1, 1978, no new room air conditioner shall be sold, installed or transported for resale into Minnesota unless it has an energy efficiency ratio of 7.0 or higher for units of 6,000 British thermal units or greater; or 6.0 energy efficiency ratio for units of less than 6,000 British thermal units. This subdivision shall not apply to air conditioners in Minnesota on January 1, 1978. No person may transport non-complying units into this state in excess of what he can reasonably anticipate selling prior to January 1, 1978.

Sec. 10. Minnesota Statutes 1976, Section 116H.12, is amended by adding a subdivision to read:

Subd. 12. Beginning January 1, 1979, no new residential forced air type central furnace, cooking or clothes drying equipment designed to burn natural gas, which also used electrical energy, shall be sold or installed in Minnesota without a means, other than a continuously burning pilot, for automatic ignition.

Sec. 11. Minnesota Statutes 1976, Section 116H.121, is amended to read:

116H.121 [ENERGY CONSERVATION STANDARDS IN CERTAIN PUBLIC BUILDINGS.] *Subdivision 1. Before February 1, 1977, the commissioner of administration in consultation with the director, shall amend the rules concerning heat loss, illumination, and climate control standards promulgated pursuant to Minnesota Statutes, 1975 Supplement, section 116H.12, subdivision 4, to include standards for all existing buildings heated by oil, coal, gas, or electric units which are owned by the state, the university of Minnesota, any city, any county, or any school district. Compliance with standards adopted pursuant to this section shall not be mandatory for buildings owned by any city, county or school district, except as otherwise provided by this section.*

Subd. 2. Effective January 1, 1978, the illumination standards for new buildings promulgated pursuant to subdivision 1, shall be mandatory for all public buildings where economically feasible. For the purposes of this subdivision, "public building" means any building which is open to the public during normal business hours and which exceeds 5,000 square feet in gross floor area. The director shall specify the formula for determining economic feasibility and shall take appropriate measures prior to January 1, 1978, to inform building owners and managers of the requirements of this subdivision and to assist them in complying with it.

Subd. 3. No enclosed structure or portion of an enclosed structure constructed after January 1, 1978, and used primarily as a commercial parking facility for automobiles shall be heated. Incidental heating resulting from building exhaust air passing through a parking facility shall not be prohibited, provided that substanti-

ally all useful heat has previously been removed from the air.

Sec. 12. Minnesota Statutes 1976, Section 116H.126, is amended to read:

116H.126 [PUBLIC SCHOOL SURVEYS.] Before January 1, 1980, each school district shall complete a survey of all existing public school buildings which it owns or operates and which are heated by oil, gas, coal, or electric units in order to determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. Buildings heated by oil or interruptable gas shall be surveyed first. The results of the energy conservation survey shall be recorded on a form furnished by the director. A school district may contract with any municipal building official appointed pursuant to section 16.861 or with the state building inspector to perform the energy conservation survey. Each school district shall estimate, based upon a formula specified by the director, the annual savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each public school building within the district if it were improved to comply with the energy conservation standards.

Each school district shall file the energy conservation survey and estimated fuel procurement data for each *at least half the* public school building *buildings* within the district with the director before December 31, 1978, for his review and comment.

Sec. 13. Minnesota Statutes 1976, Chapter 116H, is amended by adding a section to read:

[116H.129] [ENERGY CONSERVATION IN RESIDENTIAL BUILDINGS.] *Subdivision 1. By April 1, 1978, the commissioner of administration, in consultation with the director, shall promulgate minimum energy efficiency standards for existing residential buildings. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current average residential energy costs in Minnesota as certified by the director, will exceed the cost of the energy conserving requirements amortized over a period of five years.*

Subd. 2. Before April 1, 1978, the commissioner of administration, in consultation with the director, shall by rule amend the standards concerning heat loss, illumination, and climate control promulgated pursuant to section 116H.12, subdivision 4, to require that electrical service to individual dwelling units in buildings containing two or more units be separately metered, with individual metering readily accessible to the individual occupants. The standards authorized by this subdivision shall only apply to buildings constructed after the effective date of the amended standards. Buildings intended for occupancy by persons age 62 or over, or the handicapped, or those which contain a majority of units not equipped with complete kitchen facilities, or those equipped with electric heat, shall be exempt from the provisions of this subdivision.

Sec. 14. Minnesota Statutes 1976, Section 116H.13, Subdivision 4, is amended to read:

Subd. 4. After promulgation of the criteria for assessment of need, any ~~utility, coal supplier or petroleum supplier~~ *person proposing to construct a large energy facility shall apply for a certificate of need to construct a new large energy prior to construction of the facility.* The application shall be on forms and in a manner established by the director. In reviewing each application the director shall hold at least one public hearing pursuant to chapter 15.

Sec. 15. Minnesota Statutes 1976, Section 126.111, is amended to read:

126.111 [ENVIRONMENTAL CONSERVATION EDUCATION.] *Subdivision 1.* The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socio-ecological principles, the production of appropriate curriculum materials and implementation in the public schools in the state.

Subd. 2. *The commissioner of education in consultation with the director of the energy agency shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socio-economic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as funds become available.*

Sec. 16. Minnesota Statutes 1976, Section 272.02, Subdivision 1, is amended to read:

272.02 [EXEMPT PROPERTY.] Subdivision 1. Except as provided in other subdivisions of this section or in section 272.025, all property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity;
- (7) All public property exclusively used for any public purpose;
- (8) All natural cheese held in storage for aging by the original Minnesota manufacturer;

(9) (a) Class 2 property of every household of the value of \$100, maintained in the principal place of residence of the owner thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the revenue commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.

(b) During the period of his active service and for six months after his discharge therefrom, no member of the armed forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the \$100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2 property of all the members assessed. The Class 2 property of each household claimed to be exempt shall be limited to property in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.

Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county or city of the state, or any town, or any common or independent school district of the state, or any governmental board of the state, or any county or city thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured articles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, and the property described in section 272.03, subdivision 1 (c), except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of

which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. Any such equipment or device shall meet *the standards, regulations rules or criteria* prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

(16) *The part of the value of real and personal property equipped with an energy supply or use system which includes a solar energy system as defined in section 116H.02, subdivision 11, that exceeds the value of the property if it were equipped with a conventional energy supply or use system, if the property is not used to provide energy for sale.*

Sec. 17. Minnesota Statutes 1976, Section 290.06, Subdivision 9, is amended to read:

Subd. 9. (a) A credit of five percent of the net cost of equipment included in section 290.09, subdivision 7, paragraph (A), *clause (a)*, that is installed and operated within Minnesota exclusively to prevent pollution of air, water, or land in accordance with engineering principles approved by the Minnesota pollution control agency, *and a credit of ten percent of the net cost of a solar energy system as defined in section 116H.02, subdivision 11,* may be deducted from the tax due under this chapter in the first year in which the property is constructed or installed, or for which a depreciation deduction is allowed ~~for the equipment~~. The credit allowed by this subdivision shall not exceed so much \$50,000 of the tax liability for ~~tax for the~~ that taxable year as does not exceed \$50,000. *In the case of a solar energy system, the credit shall apply only if the property meets or exceeds the standards promulgated pursuant to section 116H.127.*

(b) If the amount of the credit determined under *clause (a)* for any taxable year for which a depreciation deduction is allowed exceeds the limitation provided by *clause (a)* for such the taxable year ~~(hereinafter in~~, which for the purposes of this subdivision

referred to shall be known as the "unused credit year" }, such , the excess shall be,

(1) a credit carryback to each of the three taxable years preceding the unused credit year, and

(2) a credit carryover to each of the seven taxable years following the unused credit year.

The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the ten taxable years to which { , by reason of clauses (1) and (2) } such , the credit may be carried and then to each of the other nine taxable years; provided, however, the maximum credit allowable in any one taxable year under this subdivision { , including the credit allowable under clause (a) and the carryback or carryforward allowable under this paragraph } , shall in no event exceed \$50,000.

(c) This subdivision shall apply to solar energy systems constructed or installed after December 31, 1976, and to other property acquired in taxable years beginning on or after January 1, 1969. The credits provided by this subdivision for the construction or installation of a solar energy system shall expire for taxable years commencing after December 31, 1984.

Sec. 18. Minnesota Statutes 1976, Section 290.06, is amended by adding a subdivision to read:

Subd. 12. [INSULATION CREDIT.] A credit of 20 percent of the net cost of adding insulation to the attic and ceiling of an existing residential building may be deducted from the tax due under this chapter. The director of the energy agency in consultation with the director of the state building codes division shall provide guidelines for eligible types of insulation. The credit provided for in this subdivision shall not exceed \$80 in any one year and shall terminate on December 31, 1980.

If the allowable amount of the claim authorized as a tax credit in this subdivision exceeds the state income taxes otherwise due on the claimant's income in any year or if there are no state income taxes due on the claimant's income in any year, the amount of the claim not used as an offset against income taxes, subject to audit by the department of revenue, shall be paid to the claimant in the same manner as a refund for overpayment of a tax. Interest shall be allowed as provided in section 290.92, subdivision 13. This subdivision shall apply to insulation installed after December 31, 1976.

Sec. 19. Minnesota Statutes 1976, Section 297A.25, Subdivision 1, is amended to read:

297A.25 [EXEMPTIONS.] Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar

products, coffee and coffee substitutes, tea, cocoa and cocoa products;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such

value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the

sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airflight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of cigarettes.

(s) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United

States in accordance with 38 United States Code, Section 1901, as amended.

(t) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(u) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(v) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(w) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(x) After January 1, 1978, the gross receipts from the sale of and the storage, use or other consumption of a solar energy system as defined in section 116H.02, subdivision 11, which system meets or exceeds the standards promulgated pursuant to section 116H.127, and which system is not purchased or used to provide energy for sale.

Sec. 20. Minnesota Statutes 1976, Section 287.241, is amended by adding a subdivision to read:

Subd. 2a. No contract for deed or deed conveying fee title to real estate executed after December 31, 1980, shall be recorded by the county recorder unless the certificate required by this section contains a statement by the grantor that all residential buildings on the property to be conveyed are in compliance with the energy code promulgated pursuant to section 13.

Sec. 21. By December 31, 1977, the director of the energy agency, after consulting with the appropriate standing committees of the

legislature, shall develop a comprehensive legislative proposal for the creation and protection of sun rights in Minnesota.

Sec. 22. *The director of the energy agency in consultation with the director of the housing finance agency shall develop pamphlets and radio and television messages on the energy conservation and housing programs available in Minnesota. The pamphlets shall include information on available tax credits for residential energy conservation measures, residential retrofitting loan and grant programs, and data on the economics of energy conservation measures.*

Sec. 23. [APPROPRIATIONS.] *Subdivision 1. The sum of \$50,000 is appropriated from the general fund to the commissioner of administration for the purposes of sections 1 to 4 and 14 during the biennium beginning July 1, 1977.*

Subd. 2. The following sums are appropriated from the general fund for the purposes of section 7 during the fiscal year beginning July 1, 1977:

<i>Minnesota Energy Agency</i>	<i>\$159,433</i>
<i>State Planning Agency</i>	<i>28,034</i>
<i>Pollution Control Agency</i>	<i>36,050</i>
<i>Department of Natural Resources</i>	<i>29,742</i>
<i>Department of Transportation</i>	<i>16,741</i>

Subd. 3. The sum of \$25,000 is appropriated from the general fund to the department of education for the purposes of section 15 during the biennium beginning July 1, 1977.

Subd. 4. The sum of \$25,000 is appropriated from the general fund to the director of the energy agency for the purpose of section 21 during the fiscal year beginning July 1, 1977.

Subd. 5. The sum of \$225,000 is appropriated from the general fund to the director of the energy agency to be used for the purpose of section 22.

Sec. 24. *Minnesota Statutes 1976, Sections 116H.12, Subdivision 10; 325.811; and 325.812 are repealed.*

Sec. 25. *This act is effective the day following its final enactment; except that section 2, subdivision 2, is effective July 1, 1978."*

Further, strike the title in its entirety and insert:

"A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding building code subject matter; further defining large energy facility; imposing duties on the director of the energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; exempting certain solar energy systems from sales and property taxation; providing a 20 percent credit against income tax for the cost of home insulation; providing a 10 percent credit against income tax for the cost of certain solar energy systems; appropriating funds; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86; Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1; 116H.12, Subdivision 5, and by adding subdivisions; 116H.121; 116H.126; 116H.13, Subdivision 4; 126.111; 272.02, Subdivision 1;

287.241, by adding a subdivision; 290.06, Subdivision 9, and by adding a subdivision; 297A.25, Subdivision 1; and Chapter 116H, by adding a section; repealing Minnesota Statutes 1976, Sections 116H.12, Subdivision 10; 325.811; and 325.812.”

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1015: A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [168B.21] [DILAPIDATED BUILDINGS; FINDINGS.] *The legislature finds that the public health, safety and well-being require that dilapidated buildings be either restored to productive use or removed. The legislature further determines that state assistance is necessary and required by the public interest to eliminate the dangers posed to the citizens of this state by dilapidated buildings.*

Sec. 2. [168B.22] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 7, the terms defined in this section have the meanings given them.*

Subd. 2. “Agency” means the Minnesota pollution control agency.

Subd. 3. “Building” means any structure or part of a structure, and includes the contents thereof, if any.

Subd. 4. “Dilapidated building” means any building which in accordance with section 5 has been voluntarily surrendered by its owner for removal and which:

(a) Has been allowed to deteriorate to the extent that it constitutes an eyesore or blight on the landscape, as determined by the unit of government having jurisdiction thereof; or

(b) Because of inadequate maintenance, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health, as certified by the appropriate local or state official.

“Dilapidated building” also means any hazardous building whose removal is ordered or authorized pursuant to Minnesota Statutes, Sections 463.15 to 463.261.

“Dilapidated building” does not include:

(1) Any building whose expense of removal, not including legal fees, equals or exceeds the estimated expense of bringing the building into compliance with all applicable building codes;

(2) Any building listed in the national register of historic places;

(3) Any building listed in the state registry of historic sites and the state inventory of historic sites maintained by the Minnesota historical society;

(4) Any building included in an historic district or redevelopment project established pursuant to law; or

(5) Any building recommended for preservation by a municipal heritage preservation commission.

Subd. 5. "Expense of removal" means the expense directly attributable to removal of a dilapidated building, including legal fees incurred by a unit of government to remove a dilapidated building, and any other expense directly attributable to an activity required by the agency as a condition to reimbursement of expenses of removal. The agency may by rule further define expense of removal.

Subd. 6. "Director" means the director of the Minnesota pollution control agency.

Subd. 7. "Unit of government" means any county, home rule charter or statutory city, town, Indian tribe or authorized tribal organization or any combination thereof acting jointly.

Subd. 8. "Owner" means the owner, owner of record or lien holder of record, as those terms are defined in Minnesota Statutes, Section 463.15, Subdivision 4.

Subd. 9. "Removal" means demolition of a dilapidated building, disposal of debris from the demolition, and landscaping to remove safety hazards or to restore the premises to a natural condition, as required by the rules of agency or any applicable statute or ordinance.

Subd. 10. "Services" mean labor, equipment or materials to be used in the removal of a dilapidated building.

Sec. 3. [168B.23] [REMOVAL AUTHORITY.] A unit of government may contract with others or may utilize its own services and personnel for the inventory and removal of dilapidated buildings.

Sec. 4. [168B.24] [REIMBURSEMENT FOR REMOVAL.] Subdivision 1. The agency shall provide state assistance to units of government to aid in the removal of dilapidated buildings.

Subd. 2. Upon completion of the removal of a dilapidated building, the unit of government initiating the removal may apply to the agency for reimbursement of the expenses of removal not otherwise reimbursable from funds in the unit's dilapidated building removal account. The application shall be on forms provided by the agency. If the removal of the dilapidated building conforms to the requirements of sections 1 to 7 and the rules promulgated thereunder, the agency shall reimburse the unit of government in accordance with the priorities and formula established pursuant to section 6.

Subd. 3. The agency may adopt, amend, suspend or repeal rules as necessary or desirable to accomplish the purposes of sections 1 to 7. The agency may for the purpose of implementing sections

1 to 7 exercise emergency power and adopt emergency rules under the provisions of Minnesota Statutes, Section 15.0412, Subdivision 5. No emergency rules may be adopted by the agency pursuant to this subdivision after July 1, 1978.

Sec. 5. [168B.25] [SURRENDER OF BUILDINGS FOR REMOVAL.] Subdivision 1. The owners of any building meeting the requirements of section 2, subdivision 4, clause (a) or (b) may surrender the building to the unit of government having jurisdiction thereof for the purpose of having it removed. Only buildings voluntarily surrendered or otherwise qualifying as dilapidated buildings under section 2, subdivision 4, may be removed pursuant to sections 1 to 7. The agency shall supply surrender forms approved as to legal form by the attorney general to any person requesting them. The forms shall provide for the owner's surrender of any right in or title to the building to be removed, subject to the retention of any interest extending to the real property on which the building is situated.

Subd. 2. The surrender form shall contain a provision whereby the owner agrees to give the state a lien on the property for the full amount of the expenses of removal reimbursed under sections 1 to 7. If the property is sold or transferred by gift to a private party within five years of the building's removal, the full amount of the reimbursed expenses of removal shall be recovered. In the next succeeding years, the amount recovered shall be reduced in each year by 20 percent of the full amount reimbursed, with no repayment required in the tenth year following removal and thereafter. The unit of government and the agency shall upon providing reimbursement for expenses of removal file a lien notice with the county recorder of the county in which the property is located. No fee shall be required for the filing. The lien upon its filing shall have the same priority and effect as a lien for taxes on real estate and shall be enforced in the manner provided by law for the enforcement of liens for taxes on real estate.

Subd. 3. The surrender of a dilapidated building shall become effective upon its acceptance by the unit of government. Acceptance by the unit of government shall constitute an assumption of liability for any damages arising from the removal of the dilapidated building, which damages are caused by the negligent acts of the unit of government or its agents.

Subd. 4. Persons surrendering buildings pursuant to this section shall not be eligible for relocation assistance provided pursuant to Minnesota Statutes, Sections 117.50 to 117.56.

Sec. 6. [168B.26] [REIMBURSEMENT PRIORITIES AND FORMULAS.] Subdivision 1. The agency shall by rule establish priorities for the reimbursement of expenses of removal not reimbursable from funds available in a unit of government's dilapidated building removal account. The priorities shall provide:

(a) That reimbursement go first to units of government seeking to remove dilapidated buildings which are voluntarily surrendered for removal; and

(b) That reimbursement go first to units of government which have not previously received reimbursement from the agency.

Subject to the priorities contained in clauses (a) and (b) the

agency shall reimburse units of government in the order in which applications for reimbursement are received.

Subd. 2. The agency may by rule require a unit of government to provide not more than 50 percent of the funds required for removal of a dilapidated building or an equal value of services, or any combination thereof. The exact level of required match shall be determined by the agency each year and fixed for the next fiscal year.

Subd. 3. The agency may by rule establish different rates of reimbursement based on the population of the unit of government. The rates may provide for reimbursement of a greater proportion of the expenses of removal in units of government with smaller populations and fewer building permits.

Sec. 7. [168B.27] [DILAPIDATED BUILDING REMOVAL ACCOUNTS; UNITS OF GOVERNMENT TO MAINTAIN.] Each unit of government collecting a surcharge authorized by Minnesota Statutes, Section 16.866, shall establish a dilapidated building removal account wherein the sums specified by Minnesota Statutes, Section 16.866, shall be deposited. The sums deposited to the account shall accumulate and be available to the unit of government for payment of expenses of removal incurred by the unit of government and for matching funds required by section 6. Each unit of government maintaining an account pursuant to this section shall, at the close of its fiscal year ending in calendar year 1978 and every second year thereafter, remit to the commissioner of administration any sums remaining unexpended or unencumbered in the account as of that date, for deposit by the commissioner to the credit of the general fund.

Sec. 8. Minnesota Statutes 1976, Section 16.866, is amended to read:

16.866 [SURCHARGE.] Subdivision 1. [COMPUTATION.] For the purpose of defraying the costs of administering the provisions of Laws 1971, Chapter 501 There is hereby imposed a surcharge on all permits issued by municipalities in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances ; on and after July 1, 1971, . The surcharge shall be computed as follows:

(a) Where If the fee for the permit issued is fixed in amount the surcharge shall be equivalent to $\frac{1}{2}$ one mill ~~(.0005)~~ (.001) of such the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to $\frac{1}{2}$ one mill ~~(.0005)~~ (.001) of the valuation of the structure, addition or alteration. Provided however, that where if the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be \$1,000, where said \$1,500; if the valuation is equal to or greater than \$10,000,000 but less than \$20,000,000 the surcharge shall be \$1,500 \$3,000; and where said if the valuation is equal to or greater than \$20,000,000 the surcharge shall be \$2,000 \$4,000.

Subd. 2. [COLLECTION AND REPORTS.] All permit surcharges shall be collected by each municipality and a portion thereof remitted to the state. Each municipality having a population greater than 20,000 people shall, on a monthly basis, prepare

and submit to the commissioner a report of fees and surcharges thereon collected during the previous month, but shall retain two percent of the surcharges collected to apply against the administrative expenses each such municipality incurs in collecting said surcharges. All other municipalities shall submit said report and surcharges thereon on a quarterly basis, but shall retain four percent of the surcharges collected to apply against the administrative expenses such municipalities incur in collecting said surcharges. *Twenty-five percent of the amount remaining after deduction of the administrative expense allowance shall be retained by the municipality for deposit to its dilapidated building removal account established pursuant to section 7 of this act.* The ~~report~~ reports required by this section, which shall be in a form prescribed by the commissioner, shall be submitted together with a remittance covering the surcharges collected by no later than the 15th day following the month or quarter in which said surcharges are collected. All surcharges and other fees prescribed by ~~Laws 1971, Chapter 561, as amended sections 16.851 to 16.867~~, which are payable to the state, shall be paid to the commissioner who shall deposit same in the state treasury for credit to the general fund.

Sec. 9. [APPROPRIATION.] *There is appropriated from the general fund to the Minnesota pollution control agency the sum of \$600,000 to be used for the purposes of this act during the biennium ending June 30, 1979. Of this amount, not more than \$35,000 per year may be used for the administrative expenses of the agency.*

Sec. 10. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Further, strike the title and insert:

"A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; increasing surcharges on certain building permits; requiring certain units of government to establish dilapidated building removal accounts; appropriating money; amending Minnesota Statutes 1976, Section 16.866."

And when so amended the bill do pass. Amendments adopted. Report adopted.

APPOINTMENTS

Mr. Coleman, from the Subcommittee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 82, pursuant to the request of the House:

Messrs. Nichols; Keefe, J. and Spear.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 905, 521 and 1286 were read the second time.

S. F. Nos. 143, 836, 678, 494, 1106, 975, 117, 1138, 971, 967, 968, 970, 1175, 1131, 1196, 1096, 1208, 1310, 1014, 969, 973, 895, 297, 566, 832, 875, 1127, 749, 1034, 497, 997, 1118, 822 and 1015

were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 380 and 218 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Nichols moved that the name of Mr. Jensen be added as co-author to S. F. No. 715. The motion prevailed.

Mr. Tennessen moved that the name of Mr. Merriam be added as co-author to S. F. No. 811. The motion prevailed.

Mr. Kleinbaum moved that the name of Mr. Lessard be added as co-author to S. F. No. 1362. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Coleman be added as co-author to S. F. No. 1382. The motion prevailed.

Mr. Stumpf moved that the names of Messrs. Dieterich, Sieloff and Chenoweth be added as co-authors to S. F. No. 1385. The motion prevailed.

Mr. Chenoweth moved that the names of Messrs. Sieloff, Coleman and McCutcheon be added as co-authors to S. F. No. 1384. The motion prevailed.

Mr. Knutson moved that the name of Mr. Knoll be added as co-author to S. F. No. 1167. The motion prevailed.

Mr. Merriam moved that his name be withdrawn as chief author and the name of Mr. Anderson be added as chief author to S. F. No. 361. The motion prevailed.

Mr. Anderson moved that the names of Messrs. Hughes and Merriam be added as co-authors to S. F. No. 361. The motion prevailed.

Mr. Laufenburger moved that S. F. No. 1167 be withdrawn from the Committee on Employment and re-referred to the Committee on Health, Welfare and Corrections. The motion prevailed.

Mr. Chenoweth moved that S. F. No. 1106 be withdrawn from the Subcommittee on Bill Scheduling and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Chenoweth moved that S. F. No. 1078 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Chenoweth moved that S. F. No. 1131 be withdrawn from the Subcommittee on Bill Scheduling and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Chenoweth moved that H. F. No. 7 be withdrawn from the Committee on Employment and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Willet moved that S. F. No. 1015 be withdrawn from the Subcommittee on Bill Scheduling and re-referred to the Committee on Finance. The motion prevailed.

RECONSIDERATION

Mr. Kleinbaum moved that the vote whereby S. F. No. 57 failed to pass the Senate on April 18, 1977, be now reconsidered. The motion prevailed.

Mr. Kleinbaum moved that S. F. No. 57 be placed at the top of General Orders. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 816 a Special Order to be heard immediately.

S. F. No. 816: A bill for an act relating to taxation; exempting the department of revenue from certain administrative procedure act requirements in certain inheritance, iron ore, and occupation tax proceedings; authorizing the commissioner of revenue to enter into administrative agreements with the secretary of the treasury and the governing bodies of certain Indian reservations; changing requirements for orders of the commissioner; allowing commissioner to dismiss certain confiscation procedures; providing penalties for cigarette tax violations; appropriating money; amending Minnesota Statutes 1976, Sections 270.06; 270.10, Subdivision 1; 273.1104; 291.09, Subdivisions 1 and 2; 297.08, Subdivision 4; 297.12, Subdivision 1, and by adding a subdivision; 298.09, Subdivision 2; and Chapter 270, by adding a section.

Mr. McCutcheon moved to amend S. F. No. 816 as follows:

Page 14, line 32, before "AGREEMENTS" insert "TAX REFUND" and strike "*Subdivision 1.*"

Page 15, strike lines 1 to 17

Page 15, line 18, strike "*(b) Tax refund agreements.*" and after "*commissioner*" insert "*of revenue*"

Page 15, line 21, strike "*in lieu of a tax collection agreement*"

Page 15, line 22, after "a" insert "*mutually agreed upon amount as a*"

Page 15, strike lines 27 to 32

Page 16, strike line 1

Page 16, line 2, strike "Sec. 11. [APPROPRIATION.]"

Page 16, line 4, strike "*distributions*" and insert "*refunds*"

Page 16, line 5, strike "*act*" and insert "*section*"

Page 16, line 6, strike "3" and insert "6"

Page 16, line 8, strike "*Sections 1, 2, 4, 5 and 6*" and insert "*The remainder of this act*"

Renumber the sections

The motion prevailed. So the amendment was adopted.

S. F. No. 816 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 55 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Hughes	Knoll	Milton
Ashbach	Dunn	Humphrey	Lessard	Moe
Benedict	Engler	Jensen	Lewis	Nelson
Bernhagen	Frederick	Johnson	Luther	Ogdahl
Brataas	Gearty	Keefe, S.	McCutcheon	Olhoff
Chenoweth	Gunderson	Kirchner	Menning	Olson
Chmielewski	Hanson	Kleinbaum	Merriam	Penny

Perpich	Renneke	Setzepfandt	Spear	Ueland, A.
Peterson	Schaaf	Sieloff	Staples	Ulland, J.
Pillsbury	Schmitz	Sillers	Stokowski	Vega
Purfeerst	Schrom	Solon	Strand	Wegener

Mr. Keefe, J. voted in the negative.

So the bill, as amended, 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. 437 a Special Order to be heard immediately.

H. F. No. 437: A bill for act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.13, Subdivision 9; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3.

Was read the third time and placed on its final passage. The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Penny	Spear
Ashbach	Gearty	Laufenburger	Perpich	Staples
Bang	Gunderson	Lessard	Peterson	Stokowski
Benedict	Hanson	Lewis	Pillsbury	Strand
Bernhagen	Hughes	Luther	Purfeerst	Stumpf
Borden	Humphrey	McCutcheon	Renneke	Ueland, A.
Brataas	Jensen	Menning	Schaaf	Ulland, J.
Chmielewski	Johnson	Merriam	Schmitz	Vega
Coleman	Keefe, J.	Milton	Schrom	Wegener
Davies	Keefe, S.	Moe	Setzepfandt	
Dieterich	Kirchner	Nelson	Sikoriski	
Dunn	Kleinbaum	Nichols	Sillers	
Engler	Knoll	Olhoft	Solon	

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. 586 a Special Order to be heard immediately.

H. F. No. 586: A bill for act relating to taxation; information contained in tax returns; amending Minnesota Statutes 1976, Sections 290.081; 290.61; and 290A.17.

Mr. McCutchon moved to amend H. F. No. 586 as follows:

Page 4, line 12, after the period insert "*Prior to the release of any information under the provisions of this section,*"

Page 4, line 12, strike "*first*" and insert "*enter into a contract with the taxing official of the state of Wisconsin which provides*"

Page 4, line 13, strike "*satisfy himself*"

Page 4, line 14, strike "*substantially*" and insert "*to the extent that it is protected under the laws of the state of Minnesota.*"

Page 4, strike line 15

Page 5, line 5, strike "*been satisfied*" and insert "*entered into a contract with the taxing official of the United States or the taxing official of the other state which provides*"

Page 5, line 7, strike "*substantially as provided by our laws*" and insert "*to the extent that it is protected under the laws of the state of Minnesota*"

The motion prevailed. So the amendment was adopted.

H. F. No. 586 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Penny	Solon
Ashbach	Gunderson	Laufenburger	Perpich	Spear
Bang	Hanson	Lessard	Peterson	Staples
Benedict	Hughes	Luther	Pillsbury	Stokowski
Brataas	Humphrey	McCutcheon	Purfeerst	Strand
Chmielewski	Jensen	Menning	Schaaf	Stumpf
Davies	Johnson	Merriam	Schmitz	Ueland, A.
Dieterich	Keefe, J.	Milton	Schrom	Ulland, J.
Dunn	Kirchner	Nelson	Sieloff	Vega
Engler	Kleinbaum	Nichols	Sikorski	Wegener
Frederick	Knoll	Olhoff	Sillers	Willet

So the bill, as amended, passed and its title was agreed to.

THIRD READING OF SENATE BILLS

S. F. No. 105: A bill for act relating to public welfare; providing pre-trial proceedings and hearings to determine paternity of illegitimate children; requiring a notice to be given a father when a mother intends to relinquish a child for purposes of adoption; enacting the uniform parentage act; revising Minnesota Statutes to conform with the uniform parentage act; amending Minnesota Statutes 1976, Sections 62A.041; 62C.14, Subdivision 5a; 64A.22, Subdivision 1; 144.159; 144.167; 144.171, Subdivision 2; 257.025; 257.175; 257.28; 257.33; 259.24, Subdivisions 1 and 2; 259.25, Subdivision 1; 259.26, Subdivision 1; 259.29; 260.111, Subdivision 2; 260.221; and 260.231, Subdivision 3; repealing Minnesota Statutes 1976, Sections 144.177; 257.251; 257.252; 257.253; 257.254; 257.255; 257.256; 257.257; 257.258; 257.259; 257.261; 257.262; 257.263; 257.264; 257.27; 257.29; 257.30; 257.31; 259.261; and 517.19.

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 48 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Frederick	Jensen	Knoll
Ashbach	Chenoweth	Gearty	Johnson	Laufenburger
Bang	Davies	Hanson	Keefe, J.	Lessard
Benedict	Dieterich	Hughes	Keefe, S.	Luther
Borden	Engler	Humphrey	Kleinbaum	McCutcheon

Merriam	Olhoff	Schmitz	Stokowski	Vega
Milton	Penny	Sikorski	Strand	Wegener
Moe	Peterson	Solon	Stumpf	Willet
Nelson	Pillsbury	Spear	Ueland, A.	
Nichols	Schaaf	Staples	Ulland, J.	

Those who voted in the negative were:

Bernhagen	Dunn	Menning	Renneke	Sieloff
Chmielewski	Knutson	Perpich	Schrom	Sillers

So the bill passed and its title was agreed to.

S. F. No. 430: A bill for act relating to peace officers; permitting vocational-technical school training as compliance with training requirements; amending Minnesota Statutes 1976, Section 626.846, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knoll	Olson	Solon
Ashbach	Gearty	Knutson	Penny	Spear
Bang	Gunderson	Laufenburger	Perpich	Staples
Benedict	Hanson	Lessard	Peterson	Stokowski
Bernhagen	Hughes	Luther	Pillsbury	Strand
Borden	Humphrey	McCutcheon	Renneke	Stumpf
Brataas	Jensen	Menning	Schaaf	Ueland, A.
Chenoweth	Johnson	Merriam	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schrom	Wegener
Dieterich	Keefe, S.	Nelson	Sieloff	Willet
Dunn	Kirchner	Nichols	Sikorski	
Engler	Kleinbaum	Olhoff	Sillers	

Mr. Vega voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 530: A bill for act relating to used motor oil recycling; requiring certain collection facilities or the posting of certain notices; providing a penalty.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Kleinbaum	Penny	Stokowski
Benedict	Hughes	Luther	Perpich	Strand
Borden	Humphrey	McCutcheon	Pillsbury	Stumpf
Chenoweth	Jensen	Merriam	Schaaf	Ulland, J.
Davies	Johnson	Nelson	Schmitz	Vega
Dieterich	Keefe, J.	Ogdahl	Sikorski	Wegener
Dunn	Keefe, S.	Olhoff	Solon	Willet
Gearty	Kirchner	Olson	Spear	

Those who voted in the negative were:

Ashbach	Engler	Lessard	Renneke	Ueland, A.
Bang	Frederick	Menning	Schrom	
Bernhagen	Hanson	Moe	Sieloff	
Brataas	Knutson	Nichols	Sillers	
Chmielewski	Laufenburger	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 381: A bill for act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

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 48 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Olson	Solon
Ashbach	Gunderson	Lessard	Penny	Stokowski
Bang	Hanson	Luther	Peterson	Strand
Bernhagen	Humphrey	McCutcheon	Pillsbury	Ueland, A.
Borden	Jensen	Menning	Renneke	Ulland, J.
Chmielewski	Johnson	Merriam	Schaaf	Vega
Davies	Keefe, J.	Moe	Schmitz	Wegener
Dunn	Kirchner	Nelson	Sieloff	Willet
Engler	Kleinbaum	Nichols	Sikorski	
Frederick	Knutson	Olhoft	Sillers	

Those who voted in the negative were:

Benedict	Dieterich	Knoll	Perpich	Staples
Brataas	Hughes	Lewis	Schrom	Stumpf
Chenoweth	Keefe, S.	Milton	Spear	

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 148: A bill for act relating to the city of Minneapolis; providing for the selection of supervisor of license inspection for the Minneapolis police department; amending Laws 1961, Chapter 108, Section 2, as amended.

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	Olhoft	Solon
Ashbach	Gearty	Laufenburger	Olson	Spear
Bang	Gunderson	Lessard	Penny	Staples
Benedict	Hanson	Lewis	Perpich	Stokowski
Bernhagen	Hughes	Luther	Peterson	Strand
Borden	Humphrey	McCutcheon	Pillsbury	Stumpf
Brataas	Jensen	Menning	Renneke	Ueland, A.
Chenoweth	Johnson	Merriam	Schaaf	Ulland, J.
Chmielewski	Keefe, J.	Milton	Schmitz	Vega
Davies	Keefe, S.	Moe	Schrom	Wegener
Dieterich	Kirchner	Nelson	Sieloff	Willet
Dunn	Kleinbaum	Nichols	Sikorski	
Engler	Knoll	Ogdahl	Sillers	

So the bill passed and its title was agreed to.

H. F. No. 681: A bill for act relating to commerce; providing for state procurement from small business; providing a bonding mechanism for small business; amending Minnesota Statutes 1976, Sections 16.082, by adding a subdivision; and 16.083, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Olson	Spear
Ashbach	Gunderson	Lessard	Penny	Staples
Bang	Hanson	Lewis	Perpich	Stokowski
Benedict	Hughes	Luther	Peterson	Strand
Bernhagen	Humphrey	McCutcheon	Pillsbury	Stumpf
Borden	Jensen	Menning	Renneke	Ueland, A.
Brataas	Johnson	Merriam	Schaaf	Ulland, J.
Chenoweth	Keefe, J.	Milton	Schmitz	Vega
Chmielewski	Keefe, S.	Moe	Schrom	Wegener
Davies	Kirchner	Nelson	Sieloff	Willet
Dieterich	Kleinbaum	Nichols	Sikorski	
Dunn	Knoll	Ogdahl	Sillers	
Frederick	Knutson	Olhoft	Solon	

So the bill passed and its title was agreed to.

H. F. No. 339: A bill for act relating to transportation construction contracts; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olhoft	Solon
Ashbach	Gearty	Laufenburger	Olson	Spear
Bang	Gunderson	Lessard	Penny	Staples
Benedict	Hanson	Lewis	Perpich	Stokowski
Bernhagen	Hughes	Luther	Peterson	Strand
Borden	Humphrey	McCutcheon	Pillsbury	Stumpf
Brataas	Jensen	Menning	Renneke	Ueland, A.
Chenoweth	Johnson	Merriam	Schaaf	Ulland, J.
Chmielewski	Keefe, J.	Milton	Schmitz	Vega
Davies	Keefe, S.	Moe	Schrom	Wegener
Dieterich	Kirchner	Nelson	Sieloff	Willet
Dunn	Kleinbaum	Nichols	Sikorski	
Engler	Knoll	Ogdahl	Sillers	

So the bill passed and its title was agreed to.

H. F. No. 705: A bill for act relating to taxation; providing for revocation of motor carrier licenses for failure to file road tax reports; providing credit for tax paid on gasoline or fuel used in other states; amending Minnesota Statutes 1976, Section 296.17, Subdivisions 3, 11, and 12; and Chapter 296, by adding a section; repealing Minnesota Statutes 1976, Section 296.18, Subdivision 1a.

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	Olhoft	Spear
Ashbach	Gearty	Laufenburger	Olson	Staples
Bang	Gunderson	Lessard	Penny	Stokowski
Benedict	Hanson	Lewis	Perpich	Strand
Bernhagen	Hughes	Luther	Peterson	Stumpf
Borden	Humphrey	McCutcheon	Pillsbury	Ueland, A.
Brataas	Jensen	Menning	Renneke	Ulland, J.
Chenoweth	Johnson	Merriam	Schaaf	Vega
Chmielewski	Keefe, J.	Milton	Schmitz	Wegener
Davies	Keefe, S.	Moe	Sieloff	Willet
Dieterich	Kirchner	Nelson	Sikorski	
Dunn	Kleinbaum	Nichols	Sillers	
Engler	Knoll	Ogdahl	Solon	

Mr. Schrom voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H. F. No. 720: A bill for an act relating to commerce; regulation of subdivision of lands by the commissioner of securities; extending time for filing reports of subdivided land; amending Minnesota Statutes 1976, Section 83.30, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Ogdahl	Sikorski
Ashbach	Frederick	Knutson	Olhoft	Sillers
Bang	Gearty	Laufenburger	Olson	Solon
Benedict	Gunderson	Lessard	Penny	Spear
Bernhagen	Hanson	Lewis	Perpich	Staples
Borden	Hughes	Luther	Peterson	Stokowski
Brataas	Humphrey	McCutcheon	Pillsbury	Strand
Chenoweth	Jensen	Menning	Purfeerst	Stumpf
Chmielewski	Johnson	Merriam	Renneke	Ueland, A.
Coleman	Keefe, J.	Milton	Schaaf	Vega
Davies	Keefe, S.	Moe	Schmitz	Wegener
Dieterich	Kirchner	Nelson	Schrom	Willet
Dunn	Kleinbaum	Nichols	Sieloff	

Mr. Ulland, J. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 716: A bill for act relating to credit unions; authorizing certain contracts between credit unions; amending Minnesota Statutes 1976, Section 52.04.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Ogdahl	Sikorski
Ashbach	Frederick	Knutson	Olhoff	Sillers
Bang	Gearty	Laufenburger	Olson	Solon
Benedict	Gunderson	Lessard	Penny	Spear
Bernhagen	Hanson	Lewis	Perpich	Staples
Borden	Hughes	Luther	Peterson	Stokowski
Brataas	Humphrey	McCutcheon	Pillsbury	Strand
Chenoweth	Jensen	Menning	Purfeerst	Stumpf
Chmielewski	Johnson	Merriam	Renneke	Ueland, A.
Coleman	Keefe, J.	Milton	Schaaf	Ulland, J.
Davies	Keefe, S.	Moe	Schmitz	Vega
Dieterich	Kirchner	Nelson	Schrom	Wegener
Dunn	Kleinbaum	Nichols	Sieloff	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. No. 125, which the committee recommends to pass with the following amendment offered by Mr. Keefe, S.:

Page 1, line 14, after "and" insert "directly"

Page 1, line 14, before the comma insert "(excluding any business employing, controlling, controlled by or under common control with such person)"

Page 1, line 16, before "person" insert "United States"

Page 2, lines 6 and 18, before "person" insert "United States"

Page 2, strike lines 24 through 29

Page 3, line 2, before "person" insert "United States"

Page 3, lines 2 and 3 before "persons" insert "United States"

Page 3, strike lines 10 through 13

Page 3, line 27, before the period insert:

“(e) any agreement, letter of credit, contract or other document which contains any specification as to the country of origin of goods or services sold in a business transaction, or as to the vessels to carry the goods, or the route by which the goods may be shipped, if the other provisions of such agreement, letter of credit, contract, or other document do not violate the provisions of this section; (f) compliance by a person resident in a foreign country, or agreement by such person to comply, with the export laws of that country with respect to activities exclusively therein; provided further, however, that the mere ownership of an entity located outside the United States by a person within the jurisdiction of this state shall not make such entity a person within the jurisdiction of this state.”

Page 4, line 18, strike "July" and insert "April"

Page 4, line 18, after the period insert:

“Contracts or agreements which are in existence on the effective date of this act, or acts required by such contracts or agreements.

shall not be deemed in violation of this act, unless they have not been brought into compliance with this act by December 31, 1978."

Renumber the clauses

S. F. No. 265 which the committee reports progress, subject to the following motion:

Mr. Schaaf moved to amend S. F. No. 265 as follows:

Page 2, line 1, strike "the day following" and insert "July 1, 1977."

Page 2, strike line 2

The motion prevailed. So the amendment was adopted.

S. F. No. 265 was then progressed.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Moe introduced—

S. F. No. 1423: A bill for an act relating to state lands; authorizing the exchange of certain public lake access land in Polk county.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schaaf, Stokowski, Olson and Sieloff introduced—

S. F. No. 1424: A bill for an act relating to taxation; providing standards and procedures for tax increment financing; authorizing tax increment financing for the payment of principal and interest on such bonds; providing limitation on extent of districts to which tax increment financing applies; amending Minnesota Statutes 1976, Sections 458.192, Subdivision 11; 462.585, Subdivisions 2, 3 and 4; 472A.06; 472A.07, by adding a subdivision; 472A.08, by adding a subdivision; 473F.02, Subdivision 3; 474.10, Subdivisions 2 and 3; and Chapter 273, by adding sections; repealing Minnesota Statutes 1976, Sections 462.545, Subdivision 5; 472A.07, Subdivision 4; and 472A.08, Subdivisions 4 and 5.

Referred to the Committee on Taxes and Tax Laws

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 9:00 o'clock a.m., Saturday, April 23, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-NINTH DAY

St. Paul, Minnesota, Saturday, April 23, 1977

The Senate met at 9:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Bang	Johnson	Moe	Sieloff	Ulland, J.
Coleman	Keefe, S.	Nelson	Sikorski	Vega
Davies	Kirchner	Ogdahl	Sillers	Wegener
Dieterich	Kleinbaum	Olhoft	Spear	Willet
Engler	Lessard	Penny	Staples	
Gearty	Lewis	Perpich	Strand	
Gunderson	Luther	Schmitz	Tennessee	
Hanson	McCutcheon	Schrom	Ueland, A.	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Roger F. Carroll.

The roll was called, and the following Senators answered to their names:

Anderson	Engler	Laufenburger	Penny	Spear
Ashbach	Frederick	Lessard	Perpich	Staples
Bang	Gearty	Lewis	Peterson	Stokowski
Benedict	Gunderson	Luther	Purfeerst	Strand
Bernhagen	Hanson	McCutcheon	Renneke	Stumpf
Borden	Hughes	Menning	Schaaf	Tennessee
Brataas	Humphrey	Merriam	Schmitz	Ueland, A.
Chenoweth	Johnson	Milton	Schrom	Ulland, J.
Chmielewski	Keefe, J.	Moe	Setzepfandt	Vega
Coleman	Keefe, S.	Nelson	Sieloff	Wegener
Davies	Kirchner	Ogdahl	Sikorski	
Dieterich	Kleinbaum	Olhoft	Sillers	
Dunn	Knoll	Olson	Solon	

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. Knutson was excused from the Session of today. Mr. Ueland, A. was excused from the Session of today at 4:00 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The Honorable Edward J. Gearty
President of the Senate

April 20, 1977

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 22 and 401.

The Honorable Edward J. Gearty
President of the Senate

April 21, 1977

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 483.

Sincerely,
Rudy Perpich, Governor

The Honorable Martin O. Sabo
Speaker of the House of Representatives

April 21, 1977

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 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 1977	Date Filed 1977
22		26	April 20	April 21
401		27	April 20	April 21
	235	28	April 20	April 21
	262	29	April 20	April 21
	291	30	April 20	April 21
	558	31	April 20	April 21

Sincerely,
Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Hanson, Merriam and Dieterich introduced—

S. F. No. 1425: A bill for an act relating to witnesses; exempting a registered nurse from testifying against a client; amending Minnesota Statutes 1976, Section 595.02.

Referred to the Committee on Judiciary.

Mr. Milton introduced—

S. F. No. 1426: A bill for an act relating to economic development; industrial development bonds; removing requirement of approval by commissioner of economic development; amending Minnesota Statutes 1976, Section 474.01, Subdivision 7.

Referred to the Committee on Employment.

Messrs. Hanson, McCutcheon, Borden, Nelson and Strand introduced—

S. F. No. 1427: A bill for an act relating to crimes; lowering the age for juvenile court jurisdiction; mandatory minimum terms for certain felonies; redefining certain felonies; changing the length of terms of imprisonment for certain felonies; amending the value involved in certain felony property offenses; authorization for arrest without warrant for gross misdemeanors although not committed in a peace officer's presence; prescribing penalties; amending Minnesota Statutes 1976, Sections 260.015, Subdivision 2; 260.111, Subdivision 1; 260.193, Subdivision 5; 260.215, Subdivision 1; 609.11; 609.135, by adding a subdivision; 609.168; 609.185; 609.195; 609.225, by adding subdivisions; 609.25, Subdivision 2; 609.27, Subdivision 2; 609.275; 609.32, Subdivision 1; 609.343; 609.344; 609.345; 609.49; 609.52, Subdivision 3; 609.53; 609.551, Subdivision 1; 609.562; 609.563; 609.595, Subdivision 1; 609.625, Subdivision 1, and by adding subdivisions; 629.34; 629.35; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 609.15, Subdivision 2; and 609.63.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 1428: A bill for an act relating to American Indians; changing references from native American to American Indian; defining in terms of a federally recognized tribe; amending Minnesota Statutes 1976, Sections 84.10; 124.48; 145.922, Subdivision 2; 152.02, Subdivision 2; 245.76; 254A.02, Subdivision 11; 254A.03; 254A.031; 254A.07, Subdivision 2; 325.41; 362.40, Subdivision 2; 462A.07, Subdivision 14; 462A.21, Subdivision 4c; 462A.26; 472.03, Subdivision 12; and 517.18, Subdivision 4.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Davies, Hanson, Strand, Mrs. Staples and Mr. Lessard introduced—

S. F. No. 1429: A bill for an act relating to veterans; permitting the commissioner of veterans affairs to act as guardian for minors or incompetents without posting bond; amending Minnesota Statutes 1976, Chapter 196, by adding a section.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Spear introduced—

S. F. No. 1430: A bill for an act relating to intoxicating liquors; limiting the issuance and ownership of intoxicating liquor licenses; providing penalties for issuance to and ownership by one person of more than one intoxicating liquor license in each municipality; amending Minnesota Statutes 1976, Section 340.13, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Luther, Willet, Dunn and Hanson introduced—

S. F. No. 1431: A bill for an act relating to food; regulation and licensing of food handlers; defining terms; providing for inspection or license fees for certain coin operated food vending machines; amending Minnesota Statutes 1976, Sections 28A.03; and 28A.09.

Referred to the Committee on Commerce.

Messrs. Peterson, Willet, Schaaf, Nichols and Nelson introduced—

S. F. No. 1432: A bill for an act relating to public safety; requiring the written driver's license examination to include questions regarding the applicant's knowledge and understanding of the impairing effects of alcohol and intoxicating beverages and narcotic drugs on the ability to drive; amending Minnesota Statutes 1976, Section 171.13, Subdivision 1.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Peterson, Willet, Schaaf, Nichols and Nelson introduced—

S. F. No. 1433: A bill for an act relating to highway traffic regulations; providing for mandatory minimum terms of imprisonment for conviction of driving while intoxicated; amending Minnesota Statutes 1976, Section 169.121, Subdivisions 3 and 4.

Referred to the Committee on Judiciary.

Messrs. Schmitz, Knutson and Sieloff introduced—

S. F. No. 1434: A bill for an act creating a legislative commission to study regional governments in Minnesota; appropriating money therefor.

Referred to the Committee on Local Government.

Messrs. Sikorski, Davies, Borden, Johnson and Luther introduced—

S. F. No. 1435: A bill for an act relating to insurance; requiring insurers to supply cover sheets for insurance policies; requiring insurers to issue readable insurance policies; establishing testing procedures for readability.

Referred to the Committee on Commerce.

Messrs. Laufenburger, Merriam, Willet, Engler and Luther introduced—

S. F. No. 1436: A bill for an act relating to pollution control; authorizing the pollution control agency to establish standards for the disposal of vessel wastes in Lake Superior harbors; authorizing certain harbor user fees; prescribing penalties; amending Minnesota Statutes 1976, Chapter 115, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S. F. No. 1437: A bill for an act relating to retirement; limiting the maximum amount of annuities or benefits payable by a public employees retirement fund; amending Minnesota Statutes 1976, Chapter 356, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. Nichols introduced—

S. F. No. 1438: A bill for an act relating to retirement; definition of dependent spouse for purposes of the public employees retirement law; amending Minnesota Statutes 1976, Section 353.01, Subdivision 20.

Referred to the Committee on Governmental Operations.

Mr. Nichols introduced—

S. F. No. 1439: A bill for an act relating to motor vehicles; registration and taxation; reducing the fee for duplicate plates in certain circumstances; amending Minnesota Statutes 1976, Section 168.29.

Referred to the Committee on Transportation.

Messrs. Olhoft, Hanson and Johnson introduced—

S. F. No. 1440: A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of

delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Staples, Messrs. Willet, Nelson, Humphrey and Kirchner introduced—

S. F. No. 1441: A bill for an act relating to outdoor recreation; providing for administration and control of additional sites by the Minnesota historical society; reclassifying certain existing state parks; amending Minnesota Statutes 1976, Sections 85.012, Subdivisions 1a, 10, 15, 18, 19, 21, 25, 26, 28, 30, 33, 34, 37, 40, 41, 43, 46, 49, 49a, 52, 53, and 59; and 138.025, by adding subdivisions; repealing Minnesota Statutes 1976, Sections 85.013, Subdivisions 14, 19 and 23; 138.53, Subdivisions 3, 5, 6 and 66; 138.55, Subdivision 21; 138.56, Subdivision 4; 138.57, Subdivision 10; 138.58, Subdivisions 9, 15, 24, 25, 27, 35, 47, 48, 51 and 59; and 138.585, Subdivisions 4, 5, 8, 11, 12, 14, 22, 23 and 24.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chenoweth, Hughes, Stokowski, Milton and Ogdahl introduced—

S. F. No. 1442: A bill for an act relating to education; teachers; transferring certain functions of teacher licensing from the state board of education and the commissioner of education to the state board of teaching; amending Minnesota Statutes 1976, Sections 125.05, Subdivision 1; 125.08; 125.182, Subdivision 2; 125.185, Subdivisions 4, 5 and 6; repealing Minnesota Statutes 1976, Section 125.182, Subdivision 4.

Referred to the Committee on Education.

Messrs. Setzepfandt, Peterson, Willet, Hanson and Bernhagen introduced—

S. F. No. 1443: A bill for an act relating to agriculture; grain inspection and weighing; fees; providing a basis for establishing and adjusting fees; amending Minnesota Statutes 1976, Section 17B.15, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Setzepfandt, Peterson, Willet, Ashbach and Moe introduced—

S. F. No. 1444: A bill for an act relating to the Minnesota state

water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schrom and Kleinbaum introduced—

S. F. No. 1445: A bill for an act appropriating money for the repair of the Sauk river dam at the city of Cold Spring in Stearns county.

Referred to the Committee on Finance.

Messrs. Knoll; Kirchner; Keefe, S.; Merriam and Milton introduced—

S. F. No. 1446: A bill for an act relating to the state council for the handicapped; authorizing appeals by the council from state building code decisions affecting the interests of handicapped persons; granting the council authority to promulgate rules governing display of the international symbol of accessibility; authorizing the council to initiate or intervene in proceedings affecting handicapped persons; amending Minnesota Statutes 1976, Sections 256.482, Subdivision 5, and by adding subdivisions; 299G.12; and Chapter 16, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Laufenburger introduced—

S. F. No. 1447: A bill for an act relating to natural resources; restricting acquisition of agricultural land for inclusion in the Richard J. Dorer Memorial Hardwood Forest.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Spear; Keefe, S.; Laufenburger; Mrs. Staples and Mr. Vega introduced—

S. F. No. 1448: A resolution memorializing Congress to repeal legislation limiting unemployment compensation of retired persons.

Referred to the Committee on Employment.

Messrs. Spear; Keefe, S.; Mrs. Staples and Mr. Vega introduced—

S. F. No. 1449: A bill for an act relating to unemployment compensation; changing total disqualification based on receipt of social

security benefits; amending Minnesota Statutes 1976, Section 268.08, Subdivisions 3 and 4.

Referred to the Committee on Employment.

Messrs. Peterson, Johnson, Willet, Lessard and Setzepfandt introduced—

S. F. No. 1450: A bill for an act relating to tourism; establishing a department of tourism; providing for its powers and duties; transferring certain functions from the department of economic development; appropriating money; amending Minnesota Statutes 1976, Sections 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 362.09, Subdivision 2; 362.10; 362.12, Subdivision 1a; 362.125; 362.13; and 362.23.

Referred to the Committee on Commerce.

Messrs. Milton, Vega, Mrs. Staples and Mr. Keefe, S. introduced—

S. F. No. 1451: A bill for an act relating to public welfare; providing for payment of boarding home care for children having cerebral palsy; authorizing increased state reimbursement for boarding home care for handicapped children; amending Minnesota Statutes 1976, Section 252.27, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Moe for the Committee on Finance introduced—

S. F. No. 1452: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals.

Under the rules of the Senate, laid over one day.

Mr. Knutson introduced—

S. F. No. 1453: A bill for an act relating to taxation; defining property exempt from property taxation; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bang, by request, introduced—

S. F. No. 1454: A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory

from Independent School District No. 272 to Independent School District No. 271.

Referred to the Committee on Education.

Mr. Bang introduced—

S. F. No. 1455: A bill for an act relating to public welfare; requiring public hearings before licensing facilities; amending Minnesota Statutes 1976, Section 245.812, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Schaaf and Borden introduced—

S. F. No. 1456: A bill for an act relating to administrative procedures; providing for notice and hearing in various administrative decisions; amending Minnesota Statutes 1976, Sections 10A.20, Subdivision 10; 17A.06, Subdivisions 2 and 3; 27.06; 53.03, Subdivisions 1 and 2; 144.802; 155.11, Subdivisions 1 and 2; 216A.05, Subdivision 5; 218.041, Subdivision 3; 219.46, Subdivision 7; 219.47; and 219.741; repealing Minnesota Statutes 1976, Section 53.03, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. McCutcheon, Coleman, Johnson, Dieterich and Sillers introduced—

S. F. No. 1457: A bill for an act relating to taxation; changing definitions of gross income for income tax purposes and income for low income credit purposes; increasing certain individual credits; including amounts of certain pensions and benefits above employee contributions in gross income; broadening income tax credit to include all individual income subject to tax in another state; changing certain income tax deductions; changing provisions of allocation of gross income to this state; providing for withholding of tax from military pay; providing minimum tax on preference items; removing non-school district debt limitation from property classifications; changing certain tax levy administration procedures; changing definition of income, dependent and household income and changing amount of income-adjusted homestead credit; increasing local government aids and changing distribution and appeal procedures; providing a dependent care income tax credit; changing property tax levy limits for local governmental subdivisions; increasing school aids; decreasing assessed values of certain kinds of property; increasing state paid agricultural credit; providing school district levy procedures for 1977 and 1978; decreasing employer's tax; providing employer's tax credit to railroad companies; exempting newsprint from sales tax; providing an alternative sales tax procedure for railroad rolling stock; establishing a tax study commission; establishing procedures for estimated occupation tax; changing taconite tax provisions; establishing taconite environmental and economic protection fund; appropriating

money; amending Minnesota Statutes 1976, Sections 124.212, Subdivision 7b; 256.82; 273.13, Subdivisions 4, 6 and 7; 273.132; 273.134; 273.135, Subdivision 2; 275.07; 275.50, Subdivision 5; 275.51, by adding subdivisions; 275.52, Subdivision 2; 276.01; 276.04; 290.01, Subdivision 20; 290.012, Subdivision 4; 290.031, Subdivisions 3, 4 and 6; 290.06, Subdivision 3c; 290.08, Subdivision 6; 290.081; 290.09, Subdivisions 4 and 5; 290.17; 290.92, Subdivisions 1 and 16; 290A.03, Subdivisions 3 and 7; 290A.04, Subdivisions 1 and 2; 290A.05; 295.02; 297A.14; 297A.211, by adding a subdivision; 297A.25, Subdivision 1; 298.03; 298.22, Subdivision 1 and by adding a subdivision; 298.24, Subdivision 1; 298.244, Subdivision 2; 298.25; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; 477A.01, Subdivisions 1, 2, 3, 4 and by adding subdivisions; Chapter 3, by adding a section; Chapter 290, by adding sections; and Chapter 298, by adding sections; repealing Minnesota Statutes 1976, Sections 273.011; 273.012; 290.09, Subdivisions 24 and 26; 290.65, Subdivision 1; and 290.066; 294.27; 294.28; 298.24, Subdivision 2; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; and 298.281.

Referred to the Committee on Taxes and Tax Laws.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 585, 800 and 1005.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 21, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 585: A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 800: A bill for an act relating to crimes; regulating the transfer of pistols; requiring a waiting period for pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; providing for transferee permits;

prescribing penalties; providing for statewide validity of permits to carry; amending Minnesota Statutes 1976, Sections 609.11, Subdivision 1, and by adding a subdivision; 609.135, Subdivision 1; 624.712, Subdivisions 2 and 4, and by adding a subdivision; 624.714, Subdivision 9, and by adding a subdivision; and Chapter 624, by adding sections; repealing Minnesota Statutes 1976, Section 609.11, Subdivision 2.

Referred to the Committee on Rules and Administration.

H. F. No. 1005: A bill for an act relating to agriculture; dairy products; grade A pasteurized milk; increasing certification fees; amending Minnesota Statutes 1976, Section 32.394, Subdivisions 8 and 8a.

Referred to the Committee on Agriculture and Natural Resources.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk, with the exception of S. F. Nos. 1382 and 1384, be now adopted. The motion prevailed.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1113: A bill for an act relating to taxation; changing certain procedures for objecting to real estate taxes; providing for city and town attorneys to handle prosecutions; amending Minnesota Statutes 1976, Sections 278.01 and 278.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after the enacting clause insert:

“Section 1. Minnesota Statutes 1976, Section 277.011, Subdivision 1, is amended to read:

277.011 [DEFENSE OR OBJECTION TO TAX ON PERSONAL PROPERTY.] Subdivision 1. [SERVICE AND FILING OF PETITION.] Any person who claims that his personal property has been unfairly or unequally assessed, or that such property has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense or objection determined by the district court of the county in which the tax is levied by serving *two* copies of a petition for such determination upon the county auditor ; *and one copy each on the county treasurer ; and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court on or before the first day of July of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a*

home rule charter or statutory city or town in which the property is located, if that city or town employs its own certified assessor.

Sec. 2. Minnesota Statutes 1976, Section 277.011, Subdivision 5, is amended to read:

Subd. 5. [TRIAL OF ISSUES.] Such petition, without any answer, return, or other pleadings thereto, shall stand for trial at any general term in session when the same is filed; or, if the court be not then in session, at the next general or special term appointed to be held in the county; and, if no such term be appointed to be held within 30 days thereafter, the same shall be brought to trial at any general term appointed to be held within the judicial district upon ten days notice. *If the property on which the taxes have been levied is located in a home rule charter or statutory city or town, which employs its own certified assessor, the attorney for that governmental unit may, within 20 days after receipt by the governmental unit of the copy of the petition forwarded by the county auditor, give notice to the county attorney and to the petitioner or his attorney that the home rule charter or statutory city or town is taking charge of and prosecuting the proceeding. If the attorney for the home rule charter or statutory city or town does not give such notice, the attorney of the county in which these taxes are levied shall take charge of and prosecute such proceedings, but the county board may employ any other attorney to assist him. At the term at which such petition comes on for trial it shall take precedence of all other business before the court. The court shall without delay summarily hear and determine the claims, objections, or defenses made by the petition and shall direct judgment accordingly, and the trial thereof shall disregard all technicalities and matters of form not affecting the substantial merits.*"

Page 3, after line 31, insert:

"Sec. 5. [EFFECTIVE DATE.] This act is effective the day after final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "real" strike "estate" and insert "or personal property"

Page 1, line 5, after "Sections" insert "277.011, Subdivisions 1 and 5;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1116: A bill for an act relating to plats; authorizing plats to be prepared by photographic process in counties having microfilm capabilities; amending Minnesota Statutes 1976, Sections 505.08, by adding a subdivision; 505.1792, Subdivision 2; and 508.47, Subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1387: A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Steele county.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 14, insert:

“Sec. 2. This act is effective upon approval by the Steele county board of commissioners and upon compliance with Minnesota Statutes, Section 645.021.”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1164: A bill for an act relating to Olmsted county; permitting sidewalk and related improvements to be financed by special assessment.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 3: A bill for an act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician's trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil liability for paramedics and physicians advising or instructing paramedics.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, strike lines 28 to 32

Page 4, strike lines 1 to 18

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1103: A bill for an act relating to counties; county appropriations for patrol of county highways and roads; eliminating the restriction on the Hennepin county board of commission-

ers in relation thereto; amending Minnesota Statutes 1976, Section 375.46, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1023: A bill for an act relating to public indebtedness; regulating the sale of securities by municipalities subject to reverse repurchase agreements; providing penalties for misconduct of municipal officers in the execution of agreements; amending Minnesota Statutes 1976, Section 475.51, by adding a subdivision; and Chapter 475, by adding a section.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 880: A bill for an act relating to towns; granting certain towns the powers of statutory cities.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "Sections" insert "412.111; 412.191, Subdivision 4;"

Page 1, line 11, strike "412.111;"

Page 1, line 12, strike "412.191, Subdivision 4;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1093: A bill for an act relating to taxation; providing for county treasurer to certify taxes prior to certification by county auditor; amending Minnesota Statutes 1976, Chapter 272, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "*thereon*"

Page 1, line 15, strike "*therein*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1381: A bill for an act relating to the city of Saint Paul; authorizing the city council to adopt rules permitting payroll deductions for nonprofit entities.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 13 and 14 and insert:

"The city council shall not unreasonably preclude a nonprofit entity from payroll deduction contributions. Unreasonable preclusion shall be defined as the refusal of the city to permit a deduction when 50 or more city employees have petitioned for an entity to be eligible for payroll deduction contributions from them."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1382: A bill for an act relating to the city of St. Paul; providing that the employees of the housing and redevelopment authority of the city of St. Paul may remain employees of the authority or become employees of the city as the governing body of the city may determine; amending Laws 1976, Chapter 234, Section 4, Subdivision 4, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, after the stricken "be" insert "*, or any successor agency thereof,*"

Page 3, line 2, after "*benefits,*" insert "*except pension benefits,*"

Page 4, line 7, before "*The pension*" insert "*Notwithstanding any contrary provision of law,*"

Page 4, line 15, strike "*or to enroll in the pension and*"

Page 4, strike line 16 and insert "*under said pension plan or to become covered as coordinated members of the public employees retirement association upon election, by making such election within one year from the effective date of this act.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Knoll questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1385: A bill for an act relating to the city of Saint Paul and county of Ramsey; providing for a division of costs to maintain the joint court house and city hall.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1384: A bill for an act relating to the city of Saint Paul; establishing a public housing agency; transferring functions from housing and redevelopment authority.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 7 through 15

Page 2, line 19, strike "all of"

Page 2, line 22, after "DUTIES.]" insert "Except as provided in section 4,"

Page 2, line 23, strike "all"

Page 2, line 26, strike "except the" and insert ", including the power:"

Page 2, strike lines 27 through 30

Page 2, line 32, strike "consistent" and insert "inconsistent"

Page 2, line 32, after "law" insert "or city ordinance"

Page 3, line 2, after the comma, strike "and"

Page 3, line 3, after "compensation" insert ", and to accept transfer of housing employees from the housing and redevelopment authority of the city of Saint Paul. All such employees, except transfer employees, shall be covered as coordinated members of the public employees retirement association"

Page 3, line 7, strike "The site"

Page 3, strike lines 8 through 11

Page 3, line 12, strike "In providing public housing facilities, programs"

Page 3, strike lines 13 through 15

Page 3, line 16, strike "public housing for persons of low and moderate income."

Page 3, line 18, strike "previously"

Page 3, line 18, after "acquired" strike "by"

Page 3, line 18, after "incurred" insert "prior to the effective date of this act"

Page 3, line 22, after "obligations" insert ", existing collective

bargaining agreements and fringe benefit plan affecting employees transferred from the housing and redevelopment authority of the city of Saint Paul,"

Page 3, line 24, after "Saint Paul" insert "prior to the effective date of this act"

Page 3, after line 27, insert:

"Sec. 4. Notwithstanding the provisions of any other law, the agency shall not have the power:

(1) To levy and collect taxes or special assessments with respect to any existing or future public housing.

(2) To make any final determination, by rule or otherwise, or to expend any funds or incur any obligations with respect to or for the purpose of any construction, reconstruction, purchase, site selection, site acquisition, clearance and preparation, or determination of need for public housing without approval by the city council.

(3) To enact any rule or regulation, perform any act, expend any funds or incur any obligation inconsistent with law or city ordinance."

Renumber the sections in sequence

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Knoll questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1140: A bill for an act relating to agriculture; food licensing; defining a custom processor and providing for a custom processing permit; amending Minnesota Statutes 1976, Sections 28A.03; 28A.04; and 28A.13.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 20, after "*who*" insert "*for a fee*"

Page 3, line 21, strike the comma and insert "*or*"

Page 3, line 22, strike "*, or game*"

Page 3, line 23, strike the comma and insert "*or*"

Page 3, line 23, strike "*or game*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was re-referred

S. F. No. 1112: A bill for an act relating to human services:

providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 111: A bill for an act relating to the firemen's relief association of the city of Centerville, computation of years of service for volunteer firemen.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike "Albertville" and insert "Centerville"

Page 1, line 20, strike "Albertville" and insert "Centerville"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 500: A bill for an act relating to the city of Hibbing; authorizing an increase in the service pensions of certain retired firemen; amending Laws 1935, Chapter 192, Section 1, as amended, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 18, insert:

"Sec. 2. From and after the effective date of this act, neither the city of Hibbing nor the firemen's relief association in the city of Hibbing shall qualify for state fire aid pursuant to Minnesota Statutes, Chapter 69, nor shall the commissioner of insurance certify such association to the county auditor as provided in Minnesota Statutes, Section 69.021, unless the provisions of Laws 1971, Chapter 614, Section 2, are complied with. Such compliance shall be determined by the commissioner of insurance, and the association shall include the information needed for such determination with its annual financial report required by Minnesota Statutes, Section 69.051."

Renumber the subsequent section

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1331: A bill for an act relating to the city of Litchfield; firemen's service pensions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 6 to 13, and insert:

“Section 1. All payments of service pensions from the special fund of the Litchfield volunteer firemen’s relief association made prior to January 1, 1977, to former members of the association who were not age 50 at the time of the receipt of the service pension but which were not made prior to the age specified by the bylaws of the association are hereby deemed authorized.”

Amend the title as follows:

Page 1, line 3, before the period insert “; validation of certain prior payments”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1077: A bill for an act relating to the organization and operation of state government; creating a crime control planning board to supersede the governor’s commission on crime prevention and control; requiring a statewide comprehensive plan for law enforcement and criminal justice administration; empowering the board to make grants to governmental agencies; designating the board as the state planning agency for purposes of federal legislation; prescribing other powers and duties; requiring annual reports; creating regional crime control advisory councils; requiring the preparation of regional plans; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [299A.03] [CRIME CONTROL PLANNING BOARD.] Subdivision 1. [POLICY.] The legislature declares that efforts to control crime in this state must begin with comprehensive and coordinated planning at the state and local levels. This planning must recognize the individual problems faced by jurisdictions in the state, but it must also recognize the necessity for direct and continuing cooperation among state and local law enforcement agencies, the judicial system and the federal government. Only through the creation of a representative statutory board empowered with broad planning, administrative and funding authority can this effort at improved crime control be successfully initiated.

Subd. 2. [CREATION; MEMBERSHIP.] There is created the crime control planning board in the executive branch of state government. The board shall be composed of the following 15 members:

(a) The chief justice of the Minnesota supreme court or, if he elects not to serve, a designee;

(b) The attorney general or a member of his staff designated by him;

(c) The commissioner of public safety or a member of his staff designated by him;

(d) The commissioner of corrections;

(e) A district, county or municipal court trial judge;

(f) The state court administrator; and

(g) Nine citizens of the state appointed by the governor, one of whom shall be designated by the governor as chairman.

The trial judge and the designee for the chief justice, if the chief justice elects not to serve, shall be appointed by the governor. In making these two appointments, the governor shall consider a list of at least three nominees for each position submitted to the governor by the chief justice within 30 days after the effective date of this section or the occurrence of a vacancy. The remaining members appointed by the governor shall include (1) persons employed by agencies or political subdivisions engaged in activities relating to law enforcement or criminal justice, (2) persons representing agencies engaged in providing youth services and preventing juvenile delinquency and (3) persons who would not qualify for appointment under any of the preceding categories but who are interested in activities within the jurisdiction of the board.

Subd. 3. [MEMBERSHIP TERMS; REMOVAL; COMPENSATION.] The members specified in subdivision 2, clauses (a) to (f) shall serve for their current term of employment with the state or election, as appropriate. The remaining members, except for the initial members, shall serve for terms of four years in a manner as provided in section 15.0575, subdivision 2. Members appointed by the governor, except for the trial court judge and the designee for the chief justice, if the chief justice elects not to serve, must receive the advice and consent of the senate. Except for the chairman, the compensation, removal and filling of vacancies of members appointed pursuant to clause (g), shall be as provided in section 15.0575. The terms of the initial members appointed pursuant to clause (g) shall be no more than four years and shall be determined by the governor so as to be consistent with the schedule of terms for subsequent members as provided in section 15.0575, subdivision 2.

Subd. 4. [ADVISORY TASK FORCES.] The board may establish advisory task forces pursuant to section 15.059 to assist it in the performance of its duties; provided that if the federal crime control acts require a task force to have more than 15 members, that task force shall be exempt from the 15 member limitation contained in section 15.059.

Subd. 5. [CHAIRMAN; STAFF.] The chairman of the board shall serve at the pleasure of the governor and shall receive a salary as provided by law. The chairman shall be experienced in the administration of programs related to law enforcement or criminal justice. He shall serve as executive director of the board and shall

preside at board meetings. He shall organize the work of the board and appoint all employees subject to the approval of the board. The director of the state planning agency shall provide the board with reasonable office space and administrative services requested by the board, and the board shall reimburse the director for the cost thereof.

Subd. 6. [PLANNING FUNCTIONS.] The board shall serve as the state planning agency to administer the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Crime Control Act of 1973, Public Law 93-83, by the Crime Control Act of 1976, Public Law 94-503 and by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as amended, all of which acts are hereinafter collectively referred to as "federal crime control acts". The board shall develop and revise as necessary a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the state. The comprehensive plan shall be deemed to include all individual plans submitted by the board as a prerequisite to the receipt of federal money and all other plans prepared by or under the direction of the board. These individual component plans shall be prepared so as to interrelate with each other and to provide for a unified and coherent statewide comprehensive plan. The plan shall include improvements in law enforcement and criminal justice systems which are designed to encourage inter-jurisdictional and interdisciplinary actions by affected governmental units. The plan and any revisions shall not be adopted as rules pursuant to chapter 15, but the board shall hold public hearings in respect to proposals for the plan and shall seek opinions of interested persons from outside the board as provided in section 15.0412, subdivision 6. To the extent that the plan or a component thereof is prepared in anticipation of the receipt of federal money, the plan or applicable component thereof shall be consistent with requirements of the federal crime control acts and shall accommodate where reasonable the form and content of regional plans for the improvement of law enforcement and criminal justice.

Subd. 7. [LEGISLATIVE REVIEW OF PLANS.] Prior to the final adoption of the statewide comprehensive plan or a component plan by the board, the draft of the plan shall be submitted to the legislature for review and comment by five members of the senate appointed by the subcommittee on committees of the senate committee on rules and administration, and five members of the house appointed by the speaker. A plan may not be adopted by the board without consideration of any legislative comments or recommendations received within 45 days of submission of the draft plan to the legislature. Any legislative comments and recommendations which are not incorporated in the plan and which are received within 45 days of submission shall be forwarded with the plan to any federal agencies. The board shall advise the legislature in writing of its intended response to the legislative comments and recommendations.

Subd. 8. [DISTRIBUTION OF GRANTS; APPROPRIATION.] The board shall distribute money given to it for distribu-

tion for law enforcement or criminal justice purposes. All moneys received by the state from the federal government or any other sources for distribution by the board are appropriated to the board. The board shall distribute money to state, regional and local agencies consistent with procedures, criteria and priorities which are promulgated by rule. To the extent that moneys to be distributed are federal moneys, the procedures, criteria and priorities shall be consistent with federal crime control acts and guidelines in respect to distribution of federal money. Before distributing money to a regional or local agency, the board shall have determined that the activities to be funded will not be contrary to the statewide comprehensive plan. Individual activities may be funded by the board, or it may elect to distribute money in a block grant to an agency for use in more than one approved activity. The board shall not fund an activity until it has approved a procedure for evaluation of the recipient agency's use of the money.

Subd. 9. [ADDITIONAL POWERS AND DUTIES.] The board, in cooperation with regional advisory councils established pursuant to subdivisions 12 to 14 and any other regional or local crime control planning units, shall:

(a) Assist state, regional and local agencies in the development of activities or proposed activities designed to improve law enforcement and the administration of justice;

(b) Assist recipient agencies in the implementation of activities funded by the board;

(c) Serve as liaison between agencies of all levels of government involved in law enforcement and criminal justice activities;

(d) Provide for the performance of fiscal audits, evaluations and monitoring of all recipient agencies in respect to activities funded pursuant to subdivision 8;

(e) Encourage and assist governmental agencies and courts in law enforcement and criminal justice planning activities;

(f) Study and recommend to the governor, the legislature and appropriate federal agencies methods for (1) controlling juvenile criminal activities, and (2) improving juvenile rehabilitation efforts, and (3) establishing suitable juvenile detention facilities;

(g) Study and recommend to the governor, the legislature, the state crime victims reparations board and appropriate federal agencies methods for compensating victims of crime in this state;

(h) Study and recommend to the governor and the legislature methods for improving the criminal justice system including methods to improve cross-jurisdictional enforcement;

(i) Solicit recommendations from appropriate standing committees of the legislature on methods to improve law enforcement and the administration of criminal justice in this state;

(j) Distribute to law enforcement and criminal justice agencies information on proposed, existing and completed activities funded or otherwise supported by the board;

(k) Periodically analyze and distribute statistical data which indicates the current status and trends of criminal justice activities; and

(l) Perform other functions directly related to the study and improvement of criminal justice activities including those permitted or required by federal crime control acts to the extent that those functions are not otherwise inconsistent with this section; provided that this section shall not be construed to authorize the board to undertake direct law enforcement activities or to engage in law enforcement or criminal justice activities which are specifically assigned or delegated to other state or local agencies.

Subd. 10. [GIFTS; GRANTS.] The board may apply for, accept and expend gifts and grants from the federal government and from other public and private sources in order to assist the board in carrying out the duties as provided in subdivisions 6 to 10.

Subd. 11. [REPORT.] Prior to December 15 of each year the board shall prepare and submit to the governor and the appropriate standing committees of the legislature a report summarizing its activities for the year ending the preceding September 30. The report shall include at least the following information:

(a) A summary of board activities including the listing of and justification for all rules promulgated by the board during the year;

(b) A description of all grant applications and plans submitted by the board to federal agencies and other sources;

(c) A listing by categories of all grant applications received by the board from state, local and regional agencies together with the disposition of the applications;

(d) A description of all activities funded by the board together with the board's rationale for funding each activity;

(e) Audit summaries for all completed activities funded by the board together with the board's evaluation of the activity and its estimation of future effects resulting from the funded activities;

(f) The number and locations of public hearings held by the board, a statement of methods used to announce the hearings, and the number of citizens attending each hearing;

(g) A statement of receipts and disbursements of board funds;

(h) The names, addresses and occupations of board members, and their dates of appointment and reappointment to the board;

(i) Recommendations to the board from standing committees of the legislature on matters relating to law enforcement and criminal justice, and the responses of the board thereto;

(j) Recommendations from the board to the governor, the legislature and appropriate federal agencies on desirable changes in law or appropriations which will significantly improve law enforcement and criminal justice administration;

(k) Priorities which the board employed in funding activities for the year following the year covered in the report; and

(l) Any other objective information which the board believes will be useful in reviewing board activities.

Subd. 12. [CRIME CONTROL PLANNING REGIONS.] For the purposes of coordinating local law enforcement and criminal justice activities and planning, the governor shall divide the state into crime control planning regions. Each region shall encompass one or more of the economic development regions authorized to be established by section 462.385, provided that one region shall encompass the territory defined by Laws 1967, Chapter 896. Any regional crime control advisory council shall function as a committee of that commission or contract with the commission as a consultant.

Subd. 13. [REGIONAL ADVISORY COUNCILS.] There shall be appointed in each criminal justice planning region a regional crime control advisory council of no more than 25 members by the county boards of the counties comprising each region. The metropolitan council shall include as a committee the regional crime control advisory council in the territory defined by Laws 1967, Chapter 896. The members shall serve for two year terms. Each county shall appoint at least one member. Composition of each regional advisory council shall be in conformity with the federal crime control acts. Members of each council, and the chairman and staff of each council, shall be selected in the manner as provided for that regional council on July 1, 1977. Nothing in this section shall be construed to prohibit the establishment of local crime control planning units where required or permitted by federal crime control acts and when not in violation of other law.

Subd. 14. [PLANNING FUNDS.] The board shall make available planning funds to each regional council for the purpose of assisting the board in the development of its annual statewide comprehensive plan. Each regional council shall adopt after public hearing a regional criminal justice plan which shall comply with board guidelines. A regional plan may not be in conflict with the statewide plan. The board shall provide for procedures to insure that:

(a) A plan submitted by a regional council to the board shall be approved or disapproved in whole or in part no later than 90 days after receipt by the board;

(b) Any part of a plan not so disapproved within 90 days of submission shall be deemed approved;

(c) The reasons for disapproval of the plan or any part of it shall contain a detailed explanation of the reasons for which the plan or part was disapproved, and an explanation of what supporting material is necessary for the board to reconsider the plan; and

(d) Disapproval of any plan or part of it shall not preclude the resubmission of the plan or part to the board at a later date.

Sec. 2. [TRANSITION PROVISIONS.] Subdivision 1. [SUPERSEDES GOVERNOR'S COMMISSION.] The crime control planning board created pursuant to section 1 supersedes and replaces the governor's commission on crime prevention and control created pursuant to executive order. The governor's commission shall cease to exist on and after July 1, 1977.

Subd. 2. [EFFECT OF CURRENT PROCEDURES.] Until rules and procedures are promulgated by the board as required by section 1, rules and procedures of the governor's commission shall remain in force and effect until superseded by board rules and procedures; provided, that the board shall have promulgated required new rules and procedures no later than July 1, 1978.

Subd. 3. [TRANSFER OF PERSONNEL; DOCUMENTS.] All employees of the governor's commission are transferred to the employ of the board without loss of compensation, seniority or other benefits. The commission shall transfer to the board its books, records and equipment.

Sec. 3. [APPROPRIATION.] There is appropriated to the crime control planning board for the purposes specified in this act the sum of \$. for the biennium ending June 30, 1979.

Sec. 4. [EFFECTIVE DATE.] This act is effective July 1, 1977."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 397: A bill for an act relating to the department of natural resources; providing conservation officers with the powers of peace officers; amending Minnesota Statutes 1976, Section 84.028, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1183: A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitous and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 38.02, Subdivision 2; 38.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2;

192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039; 353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 101: A bill for an act relating to welfare; providing penalties for welfare offenses; requiring notification of change of circumstances; amending Minnesota Statutes 1976, Sections 256.-98; and 393.07, Subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike "*Subdivision 1.*"

Page 2, line 1, strike "shall be" and insert "is"

Page 2, line 1, after "and" insert "*shall be*"

Page 2, line 3, after the period insert "*The amount of the assistance incorrectly paid shall be the difference between the amount of assistance actually received and the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts.*"

Page 2, line 4, strike "by a court"

Page 2, strike lines 16 to 32

Page 3, strike lines 1 to 4

Page 3, line 31, before "*Uses*" insert "*Wilfully*"

Page 4, line 2, before "The" insert "*The amount of food stamps incorrectly issued shall be the difference between the amount of food stamps actually received and the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts.*"

Page 4, line 2, strike "by a court"

Amend the title as follows:

Page 1, line 3, strike "requiring notification of change"

Page 1, line 4, strike "of circumstances;"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 767: A bill for an act relating to mortgages; authorizing appointment of a receiver upon foreclosure and upon a showing that a mortgagor has breached certain covenants in the mortgage; amending Minnesota Statutes 1976, Sections 559.17; and 576.01.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike section 1

Page 2, line 28, strike "*where*" and insert "*if*"

Page 2, line 29, strike "\$250,000" and insert "\$500,000"

Page 2, line 31, strike the second comma

Page 2, line 32, strike "*, as the case may be,*"

Page 2, line 32, after "*may*" strike the comma

Page 2, line 32, strike "*and*"

Page 3, line 1, strike "*from time to time, in*" and insert "*apply to*"

Page 3, line 1, strike "*where*" and insert "*of the county in which*"

Page 3, line 2, strike "*, by an action*" and insert "*for the appointment of a receiver. An application under this subdivision may be brought independently of*"

Page 3, line 3, strike "*separate from*"

Page 3, line 4, strike "*, apply to the court*" and insert "*. After*"

Page 3, line 5, strike "*with*"

Page 3, line 6, strike "*for the appointment of*" and insert "*the court shall hear the application within 30 days after it is filed, and shall appoint*"

Page 3, line 13, after the third "*the*" insert "*taxes or special assessments*"

Page 3, line 14, strike "*same*"

Page 3, line 17, strike "*same*" and insert "*premiums*"

Page 3, line 20, strike "*A*" and insert "*The*"

Page 3, line 20, strike "*, who*"

Page 3, line 21, strike "*, shall be appointed immediately by the court upon a*"

Page 3, strike line 22

- Page 3, line 23, strike "*the foregoing*"
- Page 3, line 28, strike "*items*" and insert "*expenses*"
- Page 3, line 29, strike "*above*" and insert "*in clauses (1), (2), and (3)*"
- Page 4, line 7, strike "*part*"
- Page 4, line 8, strike "*items*" and insert "*expenses*"
- Page 4, line 9, strike "*and*" and insert a period
- Page 4, line 13, strike "*items*" and insert "*expenses*"
- Page 4, line 14, strike "*, which*" and insert "*. The affidavit*"
- Page 4, line 15, strike the first comma
- Page 4, line 15, strike "*as the case may be,*"
- Page 4, line 28, strike "*either*"
- Page 4, line 28, after "*or*" insert "*section*"
- Page 4, line 29, strike "*and*" and insert a period
- Page 4, line 30, strike "*in the case where*" and insert "*if*"
- Page 4, line 32, strike "*and then as provided by*" and insert "*in which case any net sum remaining shall be paid pursuant to the terms of*"
- Page 5, line 2, strike the comma
- Page 5, strike line 3, and insert "*on or after August 1, 1977,*"
- Page 5, line 4, strike "*act*" and insert "*and to amendments or modifications of such mortgages, and to amendments or modifications made on or after August 1, 1977, to mortgages executed before August 1, 1977, if the amendment or modification is duly recorded and is for the principal purpose of curing a default*"
- Page 5, line 17, strike "*; and*" and insert a period
- Page 5, line 25, strike "*July*" and insert "*August*"
- Page 5, line 26, strike "*\$250,000*" and insert "*\$500,000*"
- Page 5, line 27, strike "*the*"
- Page 5, line 30, strike "*which*" and insert "*. The*"
- Page 5, line 31, strike "*provided in either clause (4) or (5)*"
- Page 5, line 32, strike "*following*" and insert "*follows*"
- Page 6, line 1, strike "*(4)*" and insert "*(a)*"
- Page 6, line 15, strike "*(5)*" and insert "*(b)*"
- Page 6, line 18, after "*mortgagor*" insert a comma
- Page 6, line 25, strike the comma
- Page 6, line 26, strike the comma

Page 7, line 9, strike "(4)" and insert "(a)"

Page 7, line 11, strike "(5)" and insert "(b)"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 598: A bill for an act relating to Becker county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing the same and prescribing penalties for violations thereof.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 830: A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 326: A bill for an act relating to taxation; Kittson and Marshall counties; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing and collecting the same and prescribing penalties for violations thereof.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 626: A bill for an act relating to taxation; providing for reduced assessment classification and homestead treatment of certain resort property; amending Minnesota Statutes 1976, Section 273.13, Subdivisions 4 and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, after "3b property" insert "*other than resort land as defined in paragraph (b)*"

Amend the title as follows:

Page 1, line 3, after "classification" strike "and homestead treatment"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 579: A bill for an act relating to taxation; providing that certain income tax credits for contributions may be carried forward; amending Minnesota Statutes 1976, Section 290.21, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 290.21, Subdivision 3, is amended to read:

Subd. 3. An amount for contribution or gifts made within the taxable year:

(a) to or for the use of the state of Minnesota, or any of its political subdivisions for exclusively public purposes,

(b) to or for the use of any community chest, corporation, organization, trust, fund, association, or foundation located in and carrying on substantially all of its activities within this state, organized and operating exclusively for religious, charitable, public cemetery, scientific, literary, artistic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual,

(c) to a fraternal society, order, or association, operating under the lodge system located in and carrying on substantially all of their activities within this state if such contributions or gifts are to be used exclusively for the purposes specified in subdivision 3(b), or for or to posts or organizations of war veterans or auxiliary units or societies of such posts or organizations, if they are within the state and no part of their net income inures to the benefit of any private shareholder or individual, or to an employee stock ownership trust as defined in section 290.01, subdivision 25. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the deduction shall be reduced by the product of multiplying said amount by their percentage interest in the trust,

(d) to or for the use of the United States of America for exclusively public purposes, and to or for the use of any community chest, corporation, trust, fund, association, or foundation, organized and operated exclusively for any of the purposes specified

in subdivision 3(b) and (c) no part of the net earnings of which inures to the benefit of any private shareholder or individual, but not carrying on substantially all of their activities within this state, in an amount equal to the ratio of Minnesota taxable net income to total net income,

(e) to a political party, as defined in section 200.02, subdivision 7, or a political candidate, as defined in section 210A.01, or a political cause when sponsored by any party or association or committee, as defined in section 210A.01, in a maximum amount not to exceed the following:

(1) contributions made by individual natural persons, \$100,

(2) contributions made by a national committeeman, national committeewoman, state chairman, or state chairwoman of a political party, as defined in section 200.02, subdivision 7, \$1,000,

(3) contributions made by a congressional district committeeman or committeewoman of a political party, as defined in section 200.02, subdivision 7, \$350,

(4) contributions made by a county chairman or a county chairwoman of a political party, as defined in section 200.02, subdivision 7, \$150;

(f) in the case of an individual, the total credit against taxable net income allowable hereunder shall not exceed 30 percent of the taxpayer's Minnesota gross income as follows:

(i) the aggregate of contributions made to organizations specified in (a), (b) and (d) shall not exceed ten percent of the taxpayer's Minnesota gross income;

(ii) the total credits under this subparagraph for any taxable year shall not exceed 20 percent of the taxpayer's Minnesota gross income. For purposes of this subparagraph, the credits under this section shall be computed without regard to any deduction allowed under subparagraph (i) but shall take into account any contributions described in subparagraph (i) which are in excess of the amount allowable as a credit under subparagraph (i); the sum of:

(i) 20 percent of the taxpayer's Minnesota gross income in the case of contributions described in clauses (c) and (e); and

(ii) 30 percent of the taxpayer's Minnesota gross income in the case of contributions or gifts described in clauses (a), (b) and (d), reduced by the amount of the credit allowable under subparagraph (i);

(g) in the case of an individual, if the amount of the contributions or gifts described in clauses (a), (b) and (d), when added to the amount of contributions described in clauses (c) and (e), payment of which is made in a taxable year, hereinafter referred to in this subdivision as the "contribution year", exceeds 30 percent of the taxpayer's Minnesota gross income for that year, the excess shall be treated as a gift or contribution pursuant to this subdivision, paid in each of the five succeeding taxable

years in order of time, but with respect to any succeeding taxable year, only to the extent of the lesser of the following amounts:

(i) the amount by which 30 percent of the taxpayer's Minnesota gross income for such succeeding taxable year exceeds the sum of the contribution and gifts described in this subdivision, payment of which is actually made by the taxpayer within such succeeding taxable year, and the contributions and gifts described in clauses (a), (b) and (d), payment of which was made in taxable years before the contribution year and which are treated pursuant to this clause as having been paid in such succeeding taxable year; or

(ii) in the first succeeding taxable year, the amount of such excess, and in the second, third, fourth and fifth succeeding taxable years, the portion of such excess not treated under this clause as a contribution or gift described in clauses (a), (b) and (d) paid in a taxable year between the contribution year and such succeeding taxable year;

(iii) If, in a contribution year, the taxpayer's Minnesota gross income exceeds \$100,000, clause (g) shall not apply and no contributions or gifts covered by clause (g) shall be carried forward to a subsequent year.

~~(g)~~ (h) in the case of a corporation, the total credit against net income hereunder shall not exceed 15 percent of the taxpayer's taxable net income less the credits allowable under this section other than those for contributions or gifts,

~~(h)~~ (i) in the case of a corporation reporting its taxable income on the accrual basis, if: (A) the board of directors authorizes a charitable contribution during any taxable year, and (B) payment of such contribution is made after the close of such taxable year and on or before the fifteenth day of the third month following the close of such taxable year; then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the commissioner shall by regulations prescribe.

Sec. 2. [EFFECTIVE DATE.] *This act is effective for taxable years commencing after December 31, 1976.*"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "changing computation of certain income tax credits for contributions;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was re-referred

S. F. No. 1234: A bill for an act relating to education; authorizing the state board of education to create additional advisory task forces; amending Minnesota Statutes 1976, Section 15.014, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, strike "subdivisions" and insert "a subdivision"

Page 1, line 12, strike "*is hereby authorized to*" and insert "*may*"

Page 1, line 13, strike "*not to exceed 15 members each,*"

Page 1, line 14, after the period insert "*A task force created pursuant to this subdivision shall expire within one year after its creation. The task force shall report to the state board before its expiration or upon the completion of its task, whichever occurs first.*"

Page 1, strike lines 15 to 19

Page 1, after line 19, insert:

"Sec. 2. This act shall be effective the day following final enactment."

Amend the title as follows

Page 1, line 5, strike "subdivisions" and insert "a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 713: A bill for an act relating to the city of Fridley; membership of new police officers in the public employees retirement association; benefits and contributions for remaining members of the Fridley police pension association.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 2, after "Subd. 2." strike the balance of the line

Page 3, line 3, strike "423.809,"

Page 3, line 7, after "Fridley" and before the period insert "and who do not qualify for monthly disability or retirement benefits from the Fridley police pension fund pursuant to Minnesota Statutes, Section 423.809"

Page 3, line 23, after the first "who" strike the balance of the line and insert "qualify for monthly disability or retirement benefits from the Fridley police pension fund pursuant to Minnesota Statutes, Section 423.809"

Page 3, strike line 24

Page 3, line 25, strike "of the city of Fridley"

Page 4, line 1, strike "nondisabled"

Page 4, line 4, after "and" insert "who do not qualify for monthly disability or retirement benefits from the Fridley police pension

fund pursuant to Minnesota Statutes, Section 423.809, and"

Page 4, line 7, after "that" insert "whenever"

Page 4, line 8, strike "in excess of" and insert "have exceeded"

Page 4, line 8, after "year" insert "compounded annually"

Page 4, line 9, after "service" insert ", the excess"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 337: A bill for an act relating to the city of Fairmont; membership of new police in the public employees retirement association.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, strike "governed by Minnesota Statutes, Section"

Page 2, line 6, strike "69.71 to 69.77" and insert "eight percent of covered payroll"

Page 2, after line 9, insert:

"Sec. 4. Notwithstanding Minnesota Statutes, Section 69.031, Subdivision 5, Clause (2), the total police state aid shall be transmitted to the treasurer of the relief association to be deposited in the special fund of the relief association. In the event that the total police state aid exceeds the total municipal obligation with respect to the association as calculated pursuant to Minnesota Statutes, Section 69.77 and section 5 of this act, the amount of the police state aid in excess of the total municipal obligation shall be applied toward the employer contribution to the public employees police and fire fund."

Page 2, line 30, strike "then"

Page 2, after line 31, insert:

"Sec. 8. Notwithstanding the provisions of Laws 1963, Chapter 423, Section 1, relating to service pensions for policemen, a policeman whose years of service exceed 20 years shall, upon separation from active service and attainment of the age of at least 50 years, be entitled to receive an additional two percent of the current maximum monthly pay of a patrolman for each full year of service in excess of 20 years of service; provided, however, that additional credit shall not be granted for service in excess of 25 years of service or for service after the attainment of the age of 55 years."

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 603: A bill for an act relating to the public service commission; confining appeals from its decisions to the record; allowing the commission to appeal adverse decisions of the district court to the supreme court; amending Minnesota Statutes 1976, Section 216.25.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, strike "department" and insert "*commission*"

Page 2, line 2, strike "department" and insert "*commission*"

Page 2, line 32, strike "*department*" and insert "*commission*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

H. F. No. 489: A bill for an act relating to legal newspapers; simplifying procedures for receiving reimbursement for publication of proposed constitutional amendments; amending Minnesota Statutes 1976, Section 3.22.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 1298: A bill for an act relating to employments licensed by state; exempting registered professional engineers from water well contractor licensing provisions; amending Minnesota Statutes 1976, Section 326.03, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, strike "326.03" and insert "156A.03"

Page 1, line 11, strike "6" and insert "3"

Page 1, line 13, after "*licensed*" insert "*as a water well contractor*"

Page 1, line 13, strike "*chapter 156A*" and insert "*this section*"

Page 1, line 14, strike "*ground water observation*" and insert "*piezometer*"

Page 1, after line 15, insert the following:

"Test holes and piezometer wells installed for engineering purposes shall be constructed, maintained and abandoned in accordance with chapter 156A and the rules promulgated thereunder."

Amend the title as follows:

Line 5, strike "326.03" and insert "156A.03"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 1236: A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 12, insert:

"The commissioner shall report the results of the investigation and make recommendations to the legislature before January 1, 1978."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was re-referred

S. F. No. 1203: A bill for an act relating to the historical society; designating an agricultural interpretive center in the city of Fairmont.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, strike "shall" and insert "may"

Page 1, line 8, strike "designate" and insert "establish"

Page 1, line 9, strike everything after "center"

Page 1, line 10, strike "Interpretive Center"

Page 1, line 11, before the period insert "prepared pursuant to Laws 1975, Chapter 204, Section 55, Subdivision 5, Clause c"

Amend the title as follows:

Page 1, line 2, strike "designating" and insert "permitting establishment of"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1029: A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for

multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.12, by adding a subdivision; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, strike "to serve such area"

Page 2, line 7, before "Minnesota" insert "Sec. 2."

Page 7, after line 12, insert:

"The power conferred in this subdivision to levy taxes shall be in addition and supplemental to the powers conferred by any other provisions of chapter 116A to levy taxes.

Sec. 7. Minnesota Statutes 1976, Section 116A.02, is amended by adding a subdivision to read:

Subd. 5. [USE OF PETITIONER'S LAND.] Each owner who joins in the petition grants to the county or counties or commission, if the system is established, an easement to use his land within the system area for the purposes of the system in any manner that will not permanently and substantially disturb his own use, including the right to enter upon his land temporarily for construction or maintenance of the system, provided that notice that the petition has the effect of granting the easement is set forth in the petition or is otherwise given in writing to the owner prior to his execution of the petition. Unless an emergency exists, the owner may require one week's notice before entry pursuant to this subdivision.

Sec. 8. Minnesota Statutes 1976, Section 116A.09, is amended to read:

116A.09 [ORDER FOR DETAILED SURVEY.] Upon the filing of the order as specified in section 116A.08, the board or court shall order the engineer to proceed to make a detailed survey and furnish all necessary plans and specifications for the proposed improvement, together with an estimate of the total cost of construction of the system, and report the same to the board or court with all reasonable dispatch. The cost estimate shall include the amounts payable to contractors at and prior to completion of construction in accordance with the plans and specifications; all court costs; *estimated* damages payable as reported by the viewers in accordance with section 116A.11; the cost of acquisition of all lands and easements required; the cost of necessary engineering, financial, legal, and other professional service; the cost of printing, publication, and mailing of all required notices of court proceedings, hearings, and bond sales; interest estimated to accrue on money to be borrowed for the system from the date or dates of borrowing to the initial date or dates of collection of special assessments or revenues of the system sufficient to carry current interest cost; and all other items of expense incurred or estimated

to be incurred in the establishment of the system from its inception to its completion. The board or court may direct the engineer to include in his report an assessment roll based upon calculation, by the county auditor or auditors with the assistance of the engineer or another qualified person selected by the board or court, of the proper amount to be specially assessed for the system against every assessable lot, piece, or parcel of land, without regard to cash valuation. The assessment roll shall be based upon the engineer's estimate of the total cost, but the board or court may direct the engineer also to calculate the expenses of operation of the system when completed, the times and numbers of connections thereto from buildings on individual lots, pieces, and parcels of land, the rates and amounts of connection charges and periodic use charges which may be made for the use and availability of the service of the system, the net revenues, over and above the current cost of operation and maintenance, which are estimated to be available, after completion, for the payment of principal and interest on money borrowed for the system, and the amounts by which the special assessments to be collected annually may be reduced or their payment deferred if such net revenues are realized.

Sec. 9. Minnesota Statutes 1976, Section 116A.11, Subdivision 4, is amended to read:

Subd. 4. [VIEWERS; DUTIES.] The viewers, with or without the engineer, shall ~~determine~~ *estimate* damages to all lands and properties affected by the proposed system and shall report their findings. The report shall show in tabular form the description of each lot and tract, or fraction thereof, under separate ownership, damaged and the names of the owners as the same appear on the current tax duplicate of the county. *Estimated* damages shall be reported on all lands owned by the state the same as upon taxable lands. The viewers shall report all *estimated* damages that will result to all railways and other utilities, including lands and property used for railway or other utility purposes. In case the viewers are unable to agree, each viewer shall state separately his findings on any matter disagreed upon. A majority of the viewers shall be competent to perform the duties required of them by sections 116A.01 to 116A.26."

Page 12, after line 5, insert

"Sec. 14. Minnesota Statutes 1976, Section 116A.24, Subdivision 1, is amended to read:

116A.24 [APPOINTMENT AND POWERS OF WATER AND SEWER COMMISSION.] Subdivision 1. ~~In all proceedings where in a board or court orders~~ *Any time after the establishment of a water or sewer or combined water or sewer system, or the formation of a district under Minnesota Statutes, Section 116A.02, Subdivision 4, the board or boards or, when a multi-county system is established under Minnesota Statutes, Section 116A.12, the court may after the issuance of the order provide for the appointment of a water or sewer or water and sewer commission. Such a commission shall be appointed before the*

final award of a contract for the construction of any system ordered by the district court. The commission shall have not less than five members and not more than 11. Members shall be appointed at large by the county board or boards from within the areas in their respective counties which are served by the system or from within a district formed under section 116A.02, subdivision 4, which district includes the served areas. Commission members shall serve for terms of four years and until their successors are appointed and qualify. The commencement date of the term of each member and his successors shall be fixed by order of the board or *boards* or court so that as nearly as possible an equal number of members will be replaced or reappointed each year. When multi-county systems are ~~established~~ *involved*, commission membership shall be apportioned by the *boards* or court among the counties on the basis of their population served by the system or, if a district has been formed, on the basis of population located within that portion of each county situated within the district. When the area served by any system is enlarged ~~pursuant to section 116A.12, subdivision 9,~~ and the commission members are not appointed from within a district formed under section 116A.02, subdivision 4, *which includes the enlarged system*, the board or *boards* or court shall reapportion or increase the membership and reestablish the terms so as to conform to the foregoing provisions, but each member shall continue to serve for the term for which he was appointed. Vacancies due to death, incapacity to serve, removal, or resignation shall be filled by the appointing boards for the unexpired terms.

Sec. 15. Minnesota Statutes 1976, Section 116A.24, Subdivision 2, is amended to read:

Subd. 2. Subject to the approval of the board or boards except to the extent that approval is waived by the board or boards in an order ~~issued pursuant to subdivision 4 filed with and confirmed by order of the district court,~~ the water or sewer or water and sewer commission or *when a multi-county system is involved* a county board may do all things necessary to *establish*, construct, operate and maintain a system including but not limited to the following:

(a) Employ on such terms as it deems advisable, persons or firms performing engineering, legal or other services of a professional nature; require any employee to obtain and file with it an individual bond or fidelity insurance policy; and procure insurance in such amounts as it deems necessary against liability of the board or its officers and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

(b) Construct or maintain its systems or facilities in, along, on, under, over, or through public streets, bridges, viaducts, and other public rights-of-way without first obtaining a franchise from any local government unit having jurisdiction over

them; but such facilities shall be constructed and maintained in accordance with the ordinances and resolutions of any such government unit relating to construction, installation, and maintenance of similar facilities in such public properties and shall not obstruct the public use of such rights-of-way.

(c) Enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

(d) Have the power to adopt rules and regulations relating to the establishment of water or sewer rentals or user fees as may be deemed advisable and the operation of any system operated by it, and may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor. Any rule or regulation prescribing a penalty for violation shall be published at least once in a newspaper having general circulation in the area.

(e) Act under the provisions of section 471.59, or any other appropriate law providing for joint or cooperative action between government units.

(f) Acquire by purchase, lease, condemnation, gift, or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any system determined to be necessary or convenient for the collection and disposal of sewage or collection, treatment, and distribution of water in its jurisdiction. Any local government unit and the commissioners of highways and natural resources are authorized to convey to or permit the use of any such facilities owned or controlled by it by the board or commission, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation, without an election or approval by any other government agency. The board or commission may hold such property for its purposes, and may lease any such property so far as not needed for its purposes, upon such terms and in such manner as it shall deem advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation shall be exercised in accordance with sections 117.011 to 117.232, and shall apply to any property or interest therein owned by any local government unit; provided, that no such property devoted to an actual public use at the time, or held to be devoted to such use within a reasonable time, shall be so acquired unless a court of competent jurisdiction shall determine that the use proposed by the commission is paramount to such use. Except in case of property in actual public use, the board or commission may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

(g) Contract with the United States or any agency thereof, any state or agency thereof, or any local government unit or governmental agency or subdivision, for the joint use of any

facility owned by the board or such entity, for the operation by such entity of any system or facility of the board, or for the performance on the board's behalf of any service, on such terms as may be agreed upon by the contracting parties.

(h) Exercise any other powers granted to the board or boards or court under chapter 116A, except for the financing powers authorized under subdivision 4."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "116A.02, by adding a subdivision; 116A.09; 116A.11, Subdivision 4;"

Page 1, line 11, strike "Subdivision" and insert "Subdivisions 1, 2 and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1300: A bill for an act relating to transportation; highway beautification; authorizing the removal of unsafe buildings under certain conditions; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike everything after "*Subdivision 1.*"

Page 1, strike lines 13 to 15

Page 1, line 16, strike everything before "*a*" and insert: [ESTABLISHMENT OF PROGRAM.] *There is established"*

Page 1, line 23, strike everything after "*(a)*"

Page 2, strike lines 1 to 4 and insert "*Dilapidated building*" means any building which:

(1) Has been allowed to deteriorate to the extent that it constitutes an eyesore or blight on the landscape, as determined by the unit of government having jurisdiction thereof; or

(2) Because of inadequate maintenance, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health, as certified by the appropriate local or state official.

"*Dilapidated building*" also means any hazardous building whose removal is ordered or authorized pursuant to Minnesota Statutes, Sections 463.15 to 463.261.

"*Dilapidated building*" does not include:

(1) Any building whose expense of removal, not including legal

fees, equals or exceeds the estimated expense of bringing the building into compliance with all applicable building codes;

(2) Any building listed in the national register of historic places;

(3) Any building listed in the state registry of historic sites and the state inventory of historic sites maintained by the Minnesota historical society;

(4) Any building included in an historic district or redevelopment project established pursuant to law; or

(5) Any building recommended for preservation by a municipal heritage preservation commission.

Page 2, after line 10, insert

“(c) “Removal” means demolition of a dilapidated building, disposal of debris from the demolition, and landscaping to remove safety hazards or to restore the premises to a natural condition, as required by the rules of the department or any applicable statute or ordinance.”

Page 2, line 13, strike “*hazardous*” and insert “*dilapidated*”

Page 2, line 16, strike “*hazardous*” and insert “*dilapidated*”

Page 2, line 16, strike “*viewable*” and insert “*visible*”

Page 2, line 20, strike “*hazardous*” and insert “*dilapidated*”

Page 2, line 21, strike “*hazardous*” and insert “*dilapidated*”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1269: A bill for an act relating to transportation; extending the time for submission by the commissioner of certain proposals relating to certain modes of transportation; amending Minnesota Statutes 1976, Section 174.06, Subdivision 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-referred

S. F. No. 324: A bill for an act relating to drivers licenses; increasing the fee for driver's licenses, and establishing a fee for non-qualification certificates; providing for uniform application fees; amending Minnesota Statutes 1976, Sections 171.06, Subdivisions 1, 2, and 4; and 171.07, Subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1302: A bill for an act relating to transportation; providing for certain permitted advertising signs on federal primary aid highways; amending Minnesota Statutes 1976, Sections 173.03; 173.08; 173.13, Subdivision 1; and 173.16, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 19, strike "*shall*" and insert "*may*"

Page 3, line 6, strike "*shall*" and insert "*may*"

Page 7, strike lines 21 to 26 and insert:

"Sec. 7. The commissioner of transportation shall study the problem of outdoor advertising devices including the need for adequate directional signing along state trunk highways to direct the traveling public to food, lodging and recreational facilities. This study shall include a review of the provisions of this act and other alternatives including participation by private industry for implementing a directional sign program. The commissioner shall submit the results of this study and recommendations for action to the legislature no later than January 15, 1978.

Sec. 8. [EFFECTIVE DATE.] Section 7 is effective the day following final enactment. The remaining sections of this act shall be effective August 1, 1977; provided that the commissioner shall take no action under this act which will result in the loss of federal aid for highway construction in this state."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 888: A bill for an act relating to the city of Excelsior; proportionate service pensions and financing requirements of the firemen's relief association.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 69.06, is amended to read:

69.06 [SERVICE PENSIONS.] Every fire department relief association organized under any laws of this state when its certificate of incorporation or bylaws so provide may pay out of any funds received from the state, or other source, a service pension in such amount, not exceeding ~~\$\$~~ \$60 per month, as hereinafter authorized, or as may be provided by its bylaws, to each of its members who has heretofore retired or may hereafter retire, who has reached or shall hereafter reach the age of 50 years and who has done or hereafter shall do active duty for 20 15 years or more as a member of a volunteer, paid or partially paid and partially volunteer, fire department in the municipality where

the association exists, and who has been or shall hereafter be a member of such fire department relief association at least ten years prior to such retirement and who complies with such additional conditions as to age, service, and membership as may be prescribed by the certificate or bylaws of the association.

The association may also pay a service pension to each of its members who has done or hereafter does active duty for ten years or more, but less than 15 years, as a member of the fire department of the city and who is otherwise eligible to receive a service pension under this section and the bylaws of the association. The amount of service pension shall be 75 percent of the amount of the service pension payable upon completion of 15 years of service prorated on the basis that the number of years of service completed bears to 15 years.

The amount of monthly pension which may be paid to such retired firemen may be increased by adding to the maximum above prescribed an amount not exceeding \$4 per month for each year of active duty over 20 15 years of service before retirement; provided, that no such fire department relief association shall pay to any member thereof a pension in any greater amount than the sum of \$120 per month.

Any such fire department relief association where the majority of its members are volunteer firemen may provide in its certificate of incorporation or bylaws for a service pension in an amount not exceeding \$600 per year of service to be paid in a lump sum where the retiring member qualifies for a service pension under the provisions hereinbefore set forth.

These pensions shall be uniform in amount, except as herein otherwise provided. No such pension shall be paid to any person while he remains a member of the fire department and no person receiving such pension shall be entitled to other relief from the association. No payments made or to be made by the association to any member on the pension role shall be subject to judgment, garnishment, execution, or other legal process and no person entitled to such payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 2. Minnesota Statutes 1976, Section 69.772, Subdivision 2, is amended to read:

Subd. 2. The following table shall be used to determine the liability of the special pension fund of the firemen's relief association relative to each active or deferred member of the fund, calculated individually:

Cumulative Year	Accrued Liability
.....
1	\$30 \$35
2	62 71

3	95	110
4	130	150
5	167	192
6	205	236
7	246	283
8	288	332
9	333	383
10	380	437
11	429	494
12	481	553
13	535	616
14	592	681
15	652	750
16 and thereafter	714	50
		<i>additional</i>
		<i>per year</i>
17	780	
18	849	
19	922	
20	1000	
21 and thereafter	50	
		<i>additional</i>
		<i>per year</i>

The accrued liability reflected in dollar amounts after each cumulative year of service, is the total liability earned to date for each \$1,000 of lump sum retirement benefit which will be payable to a member after age 50 and 20 15 years of service in accordance with the state statutes and bylaws of the association. The special fund accrued liability for each individual member shall be that multiple or portion of the amounts listed in the table, that the actual benefits provided by statute and bylaw bear to \$1,000. The total accrued liability of the special fund to the date of calculation shall be the sum of the accrued liability of the special fund as regards to each active member.

Sec. 3. *This act is effective July 1, 1977.*"

Delete the title and insert:

"A bill for an act relating to retirement; proportionate vesting of volunteer firemen's relief association service pen-

sions; amending Minnesota Statutes 1976, Sections 69.06; and 69.772, Subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was re-referred

S. F. No. 787: A bill for an act relating to commerce; providing for licensing and regulation of tree experts; providing a penalty.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [POLICY.] The legislature finds that diseases affecting elm and oak trees in the state have created a crisis requiring prompt and effective action by the state, its political subdivisions and private landowners. Based upon current scientific knowledge, certain disease preventive measures including the removal of diseased trees appear to have beneficial effect in delaying the spread of shade tree diseases. In order to insure that preventive measures are properly implemented and that competent, qualified persons are available to provide these services, the legislature intends by this act to initiate a process which may lead to the licensing or certifying of tree disease specialists and tree removal specialists.

Sec. 2. [TREE SPECIALISTS.] For purposes of this act, a tree disease specialist shall be any person who for profit diagnoses the condition of shade or ornamental trees and recommends, supervises or performs treatment on the trees by feeding, fertilizing, pruning, trimming, bracing, treating cavities or other treating methods or protects or attempts to protect any of the trees from damage by insects or disease by spraying or any other method. A tree removal specialist shall be any person who for profit engages in removal of disease trees and diseased tree stumps. Tree specialists, for purposes of this act, shall not be deemed to include:

(a) The federal government, the state of Minnesota, any county, municipality or other political subdivision of this state, or any employee or agent of any of the above in their capacity as an agent or employee;

(b) Any person with reference to trees on his own property; or

(c) Any public utility when engaged in tree trimming or tree removal in the course of providing utility service to the public.

Sec. 3. [DUTIES OF COMMISSIONER OF AGRICULTURE.] No later than January 1, 1978, the commissioner of agriculture shall report to the appropriate standing committees of the legislature on matters relating to the regulation of tree disease specialists and tree removal specialists. The report of the commis-

sioner shall comment on, but not be limited to, the following matters:

(a) whether the regulation of tree specialists is necessary for the safety and welfare of citizens of the state;

(b) the existence of past abuses which the regulation of tree specialists would inhibit;

(c) alternative measures, short of regulation, which would inhibit these past abuses;

(d) the estimated costs to consumers, tree specialists and governmental units if regulation were to be imposed;

(e) the experience of other jurisdictions in regulating tree specialists;

(f) the desirable form and content of a regulatory program, including the appropriate regulatory agency, if regulation is determined to be necessary;

(g) minimum educational and experience requirements for tree specialists, if regulation were to be imposed;

(h) effective enforcement mechanisms for a regulatory program; and

(i) other related issues.

Sec. 4. [PROCEDURES.] In preparing his report, the commissioner shall consult with practitioners in the field of tree disease treatment and removal, educational institutions, and other governmental agencies having jurisdiction in the field. As part of his report, if the commissioner determines that regulation is necessary, he shall propose to the legislature draft rules covering matters in section 3, clauses (f), (g) and (h) and other appropriate matters. The draft rules shall be published in accordance with section 15.0412, subdivision 4, but the rules shall not be adopted by the commissioner. The commissioner shall seek opinions from the public in the manner prescribed in section 15.0412, subdivision 6, but the report shall not be adopted as a rule. In performing his duties under this act, the commissioner shall recognize and accommodate, to the extent possible, the policies and procedures relating to occupational licensing as set forth in chapter 214.

Sec. 5. [EFFECTIVE DATE.] This act is effective the day following final enactment and shall expire June 30, 1978."

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to shade tree disease; providing for a study by the commissioner of agriculture of the need for regulation of tree disease and removal specialists; requiring a report to the legislature."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1166: A bill for an act relating to administrative procedures; providing for water resource and conservation hearings to be held in accordance with the administrative procedure act; amending Minnesota Statutes 1976, Sections 105.44, Subdivisions 3, 5, 6, 7 and 8; 105.45; 105.461; and 105.78; repealing Minnesota Statutes 1976, Section 105.47.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 13 to 16, strike the new language

Page 2, line 2, strike *"The"* and insert *"Any"*

Page 2, line 2, after *"hearing"* insert *"pursuant to this section"*

Page 2, line 3, after the period insert *"If the commissioner elects to waive a hearing, and"*

Page 2, line 26, strike *"chapter 15"* and insert *"section 15.0418"*

Page 2, line 26, after *"the"* insert *"chief"*

Page 3, line 6, reinstate the stricken *"Except where a"*

Page 3, lines 7 and 8, reinstate the stricken language, and before the reinstated colon, insert: *" , if after the hearing the commissioner's action, taken pursuant to subdivision 2, is affirmed without material modification"*

Page 3, lines 9 to 11, reinstate the stricken language

Page 3, line 11, after *"commissioner"* insert *"; however, in no event shall the applicant pay more than \$750"*

Page 3, lines 14 to 24, reinstate the stricken language and delete the new

Page 3, line 25, reinstate the stricken language

Page 3, line 27, after *"the"* insert *"chief"*

Page 4, line 16, strike *"reasonably may require"* and insert *"requires reasonable"*

Page 6, line 15, strike *"its"* and insert *"the"*

Page 6, line 15, after *"receipt"* insert *"of an order to restore public waters or beds"*

Page 6, lines 15 to 16, strike *"an order to restore public waters or beds"* and insert *"the order"*

Page 6, strike lines 18 to 32

Page 7, strike lines 1 to 18

Renumber the remaining section

Page 7, after line 20, insert:

"Sec. 9. This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 7, after "105.45;" insert "and"

Page 1, line 7, strike "and 105.78;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 399: A bill for an act relating to gambling; authorizing certain activities by nonprofit organizations; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; and 609.75, Subdivision 3, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 325.54, Subdivision 1, is amended to read:

325.54 [GAMBLING DEVICE; POSSESSION OF.] Subdivision 1. [INTENTIONAL POSSESSION; WILFUL KEEPING.] The intentional possession or wilful keeping of a gambling device upon any licensed premises is cause for the revocation of any license under which the licensed business is carried on upon the premises where the gambling device is found, *provided that possession of gambling devices commonly known as "paddlewheels" or "tipboards" or apparatus used in conducting raffles on the premises of a nonprofit organization and operated by organizations licensed for such operation pursuant to section 3 of this act shall not be cause for revocation of a license.*

Sec. 2. Minnesota Statutes 1976, Section 340.14, Subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons, *except that gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms when such activities are licensed by the local unit of government pursuant to section 3 of this act.* No person under 18 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on-sale", except that persons under 18 years of age may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale".

Sec. 3. Minnesota Statutes 1976, Chapter 349, is amended by adding a section to read:

[349.26] [GAMBLING DEVICES.] *Subdivision 1. For purposes of this section "gambling devices" means those gambling devices known as "paddlewheels" and "tipboards" and apparatus used in conducting raffles.*

Subd. 1a. For purposes of this section a "paddlewheel" means a wheel marked off into sections containing one or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate winning chances.

For purposes of this section a "tipboard" means a board, placard or other device measuring at least 12 inches square, marked off in a grid or similar pattern, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.

For purposes of this section a "raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing.

Nothing in this section shall be construed to authorize any use or operation of:

(a) any gambling device which is activated by the insertion of a coin or token or

(b) any gambling game or device in which the winning numbers, tickets or chances are in any way determined by the outcome of any athletic contest or sporting event.

Subd. 2. For purposes of this section "profit" shall mean the gross receipts from the operation of gambling devices and the conduct of raffles; less reasonable sums expended for prizes, local licensing fees and taxes and maintenance costs for the devices.

Subd. 3. Any county or city may establish a system for the licensing of organizations to operate gambling devices and to conduct raffles, and the system may include a fee for each license in an amount to be determined by the local governing body. Licenses issued pursuant to this section shall be valid for one year, and may be suspended or revoked for any violation of this section. A local governing body shall act on a license application within 180 days from the date of application, but shall not issue a license until at least 30 days after the date of the application. Nothing in this section shall be construed to prohibit a county or city from adopting rules or ordinances for the operation of gambling devices or the conduct of raffles that are more restrictive than state law, including rules or ordinances prohibiting the operation of such devices.

Subd. 4. Licenses shall be issued only to a fraternal, religious, veterans or other non-profit organization covered by section 290.05, subdivision 1, clauses (i) and (k) which has been in existence for at least three years and has at least 30 active members, as defined in section 349.12, subdivision 2.

Subd. 5. Profits from the operation of gambling devices or the conduct of raffles shall be used solely for those purposes defined as "lawful purposes" in section 349.12, subdivision 6, as authorized at a regular meeting of the organization.

Subd. 6. All operation of gambling devices and the conduct of raffles shall be under the supervision of a single gambling manager designated by the organization, who shall be responsible for gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall give a fidelity bond in the sum of \$10,000 in favor of the organization conditioned on the faithful performance of his duties, and the bond and the waiver thereof shall be subject to the same provisions as those applying to the bond required of a bingo manager pursuant to section 349.17, subdivision 7. A person may act as both gambling manager and bingo manager for a single organization, but a gambling manager for a single organization shall not act as either a gambling manager or bingo manager for any other organization. A gambling manager for an organization shall be an active member of the organization, as defined in section 349.12, subdivision 2.

Subd. 7. No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle by a licensed organization. No person who is not an active member of an organization, or its auxiliary, or the spouse or surviving spouse of an active member may participate in the organization's operation of a gambling device or conduct of a raffle.

Subd. 8. Each organization licensed to operate gambling devices shall keep records of its gross receipts and profits for each single gathering or occasion at which gambling devices are operated or a raffle is conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records. The distribution of profits shall be itemized as to payee, amount and date of payment.

Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization, including bingo gross receipts, and placed in a separate account. Each organization shall have separate records of its gambling operations. The person who accounts for gross receipts and profits from the operation of gambling devices or the conduct of raffles shall not be the same person who accounts for other revenues of the organization, except that such person may be the same person who accounts for bingo gross receipts and profits.

Each organization licensed to operate gambling devices or to conduct raffles shall report monthly to its membership, and to the licensing local unit of government, its gross receipts and profits from gambling devices or raffles, and the distribution of profits itemized as required in this subdivision.

Records required by this act shall be preserved for three years, and organizations shall make available their records relating to operation of gambling devices and the conduct of raffles for public inspection at reasonable times and places.

Subd. 9. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles conducted in accordance with this section may be sold off such premises. Leases unless authorized at another location by the local unit of government shall be for a period of not less than one year, and shall be in writing. No such lease shall provide that rental payments be based on a percentage of receipts or profits from gambling devices or raffles. Copies of all such leases shall be provided to the licensing local unit of government.

Subd. 10. Total prizes from the operation of paddlewheels and tipboards awarded in any single day in which they are operated shall not exceed \$500. Total prizes resulting from any single spin of a paddlewheel, or from any single tipboard, shall not exceed \$100. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels and tipboards and the conduct of raffles shall not exceed \$15,000. Merchandise prizes shall be valued at fair market retail value.

Subd. 11. Violation of any provision of this section is a misdemeanor. This subdivision shall not preclude civil or criminal action under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of this section.

Sec. 4. Minnesota Statutes 1976, Section 609.75, Subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in a bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercialized, or systematic gambling.

(6) *The operation of a gambling device or the conduct of a raffle as defined in section 3, subdivision 1a, by an organization licensed for such operation by a local unit of government.*

Sec. 5. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.761] [OPERATION PERMITTED.] *Notwithstanding sections 609.755 and 609.76, a fraternal, religious, veterans or other nonprofit organization may set up or operate a gambling device*

or conduct a raffle as defined in section 3, subdivision 1a, if licensed by the local unit of government pursuant to section 3 of this act, and a person may manufacture, sell or offer for sale a gambling device to the organization."

Amend the title as follows:

Page 1, line 2, after "authorizing" insert "the operation of"

Page 1, line 3, strike "activities by nonprofit" and insert "gambling devices by licensed"

Page 1, line 3, after the semicolon insert "providing a penalty;"

Page 1, line 5, after the semicolon strike "and" and insert "340.14, Subdivision 2;"

Page 1, line 5, strike ", and by" and insert "; Chapter 349, by adding a section; and Chapter 609, by adding a section."

Page 1, strike line 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 311: A bill for an act relating to courts; providing for the organization, compensation, personnel, terms and procedures of the several courts; appropriating money; amending Minnesota Statutes 1976, Sections 2.722; 2.724; 15A.083; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.54; 485.01; 487.01, Subdivisions 3, 5, and 6; 487.03, Subdivision 1; 488A.01, Subdivision 10; 488A.12, Subdivision 5; 525.04; and 525.081, Subdivision 7; and Chapter 480, by adding a section; repealing Minnesota Statutes 1976, Sections 15A.083, Subdivision 2; 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.34; 487.03, Subdivision 4; 487.05; 488A.021, Subdivisions 7 and 8; 488A.19, Subdivisions 8, 9, and 10; and 525.081, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 9; Chapters 488, 530, 531, 532 and 633; and Extra Session Laws 1971, Chapter 42.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 2.724, is amended to read:

2.724 [CHIEF JUSTICE OF SUPREME COURT, DUTIES.] Subdivision 1. When public convenience and necessity require it, the chief justice of the supreme court may assign any judge of ~~the district~~ any court to serve and discharge the duties of judge of any other ~~district~~ court in a judicial district not his own at such times as the chief justice may determine. *No judge shall be*

assigned to serve on a court in a judicial district not his own unless he consents to the assignment. A judge assigned to serve on a court in a judicial district not his own shall be subject to the assignment powers of the chief judge of the court to which the judge is assigned.

Subd. 2. To promote and secure more efficient administration of justice, the chief justice of the supreme court of the state shall supervise and coordinate the work of the district courts of the state. The supreme court may provide by rule that the chief justice not be required to write opinions as a member of the supreme court. Its rules may further provide for it to hear and consider cases in divisions, and it may by rule assign temporarily any retired justice of the supreme court or one district judge at a time to act as a justice of the supreme court. Upon the assignment of a district judge to act as a justice of the supreme court a district judge previously acting as a justice may continue to so act to complete his duties. Any number of justices may disqualify themselves from hearing and considering a case, in which event the supreme court may assign temporarily a retired justice of the supreme court or a district judge to hear and consider the case in place of each disqualified justice. At any time that a retired justice is acting as a justice of the supreme court under this section, he shall receive, in addition to his retirement pay, such further sum, to be paid out of the general fund of the state, as shall afford him the same salary as an associate justice of the supreme court.

Subd. 3. When public convenience and necessity require it, the chief justice of the supreme court may assign any municipal judge of the state to serve and discharge the duties of a municipal judge in any other municipality not his own, at such times as the chief justice may determine. Any municipality, so served by a municipal judge other than its own shall pay such judge all sums for travel, meals, lodging and communications necessarily paid or incurred by him as a result of such assignment together with the per diem payment specified for a special judge of a municipal court by section 489.22, subdivision 1.

Subd. 4 3. The chief justice of the supreme court may assign a retired justice of the supreme court to act as a justice of the supreme court pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a retired judge of the district court to act as a judge of the district court in any judicial district or any other court except the supreme court. The chief justice may assign any other retired judge to act as a judge of any court whose jurisdiction is not greater than the jurisdiction of the court from which he retired *except the supreme court*. Unless otherwise provided by law, A judge acting pursuant to this subdivision shall receive pay and expenses in the amount and manner provided by law for actively serving retired district judges *serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving*. A judge acting pursuant to this subdivision or any other law providing for the service of retired judges shall be paid only his expenses for service performed while still receiving the full pay of the office from which he retired.

Subd. 4. The chief justice shall exercise general supervisory powers over the courts in the state. His powers shall include, but not be limited to:

(a) Supervision of the courts' financial affairs, programs of continuing education for judicial and nonjudicial personnel and planning and operations research;

(b) Serving as chief representative of the court system and as liaison with other governmental agencies for the public; and

(c) Supervising the administrative operations of the courts. The chief justice may designate other justices or judges to assist him in the performance of his duties.

Sec. 2. Minnesota Statutes 1976, Section 260.021, Subdivision 2, is amended to read:

Subd. 2. [JUVENILE COURT; RAMSEY COUNTY.] In Ramsey county the judges of the district court shall, at such times as they shall determine, designate one of their number to hear all cases arising under sections 260.011 to 260.301. This designation is for a period of one year unless otherwise ordered and shall not exceed two years. No judge shall be designated as the judge of juvenile court for more than one such period during a single term of office. If the designated judge is absent or disabled, another judge shall be temporarily assigned for these purposes. The judge designated as the judge of juvenile court shall devote his first service and all necessary time to the business of the juvenile court, and this work has precedence over all his other court work. When considered advisable, the district court judges may designate two or more judges for the purposes and subject to the provisions specified in this section. A special court room, designated as the juvenile court room, shall be provided for the hearing of these cases. The court, for convenience, may be called the juvenile court of the county.

Sec. 3. Minnesota Statutes 1976, Section 260.021, Subdivision 3, is amended to read:

Subd. 3. [JUVENILE COURT; HENNEPIN COUNTY.] In Hennepin county, the juvenile court judge has the title "District Court Judge, Juvenile Court Division"; and if appointed, shall be so designated. At the primary or general election, the office shall be designated on the ballot as "District Court Judge, Juvenile Court Division". One of the judges of the district court shall be so designated by the chief judge of the district court of Hennepin county, or in such other manner as the district judges may determine, for a term of up to two years. In no event shall a judge serve as judge of the juvenile court division for more than two years during a single term of office. The judge of the juvenile court division has charge of the juvenile court in Hennepin county, and shall hear and determine all matters brought before the juvenile court, and shall perform all other duties of the judge of juvenile court under the laws of the state. The performance of these duties takes precedence over all other work. In case of

the absence, sickness, or other disability, or workload of the judge which prevents him from performing his duties, the chief judge of the district court of Hennepin county may designate or assign one or more of the other judges of the district court to perform the duties of the judge of the juvenile court division. Vacancies in this office shall be filled in the manner provided by law for the filling of vacancies in the office of other judges of the district court. The judge of the juvenile court division may be designated in writing by the governor to the regular or ordinary duties of a judge of the district court without this designation effecting the term of office to which he was elected.

Sec. 4. Minnesota Statutes 1976, Section 480.15, is amended by adding subdivisions to read:

Subd. 10a. The court administrator shall prepare uniform standards and procedures for the recruitment, evaluation, promotion, in-service training and discipline of all personnel in the court system other than judges, judicial officers, court reporters and court services officers.

Subd. 10b. The court administrator shall promulgate and administer uniform requirements for court budget and information systems, the compilation of statistical information, and the collection, storage and use of court records.

Sec. 5. Minnesota Statutes 1976, Section 480.17, is amended to read:

480.17 [JUDGES; CLERKS; OTHER OFFICERS; TO COMPLY WITH REQUESTS OF THE COURT ADMINISTRATOR AND DISTRICT ADMINISTRATORS.] The judges and clerks of the courts and all other officers, state and local, shall comply with all requests made by the court administrator after approval by the chief justice, for information and statistical data bearing on the state of the dockets of such courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system.

Every clerk of court shall also comply with requests for statistical or other information made by the district administrator of the judicial district in which the clerk serves.

Sec. 6. Minnesota Statutes 1976, Section 480.18, is amended to read:

480.18 [CONFERENCE OF JUDGES; JUDGE'S EXPENSES.] ~~At least once each year the supreme court of this state may provide by rule or special order for the holding in this state of an annual chief justice shall call a conference of the judges of the courts of record of this state, and of members of the respective judiciary committees of the legislature, and of invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system, and the administration of justice. Each judge attending such the annual judicial conference shall be entitled to be reimbursed for his necessary~~

expenses to be paid from state appropriations made for the purposes of sections 480.13 to 480.20.

Sec. 7. Minnesota Statutes 1976, Chapter 480, is amended by adding a section to read:

[480.22] *The supreme court may designate the location of chambers for judges of all courts in the state.*

Sec. 8. Minnesota Statutes 1976, Section 484.08, is amended to read:

484.08 [DISTRICT COURTS TO BE OPEN AT ALL TIMES.] The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays ; for the transaction of such business as may be presented, including the issuance of writs and processes, the hearing of matters of law in pending actions and proceedings, and the entry of judgments and decrees therein; and, in addition to the general terms appointed by law to be held, which may be adjourned from time to time, the judge of the district court, or one thereof in districts of more than one judge, may by order filed with the clerk, convene the court in actual session during the vacation period on a date named in the order, for the trial of both civil actions involving public interest and criminal actions, whenever in his judgment public interests will thereby be promoted. When so convened, the court may, by order entered in the minutes by the clerk, direct the issuance of special venues for grand and petit juries, returnable on a named date, for the performance of such duties as may be submitted by the court in the usual course of procedure. Civil actions involving public interests may be noticed for trial at an adjourned sitting of such term occurring more than eight days after the date of calling same, and informations by the county attorney charging the commission of crimes within the county may, as authorized by law, be presented at such terms, and any such information then presented and filed and all indictments then returned by the special grand jury shall be proceeded with by the court in all respects in harmony with the law applicable to other cases and other terms of the court. The judge of the district court may also, by order filed with the clerk, appoint special terms in any county of the district for the hearing of matters of law *The terms of the district courts shall be continuous .*

Sec. 9. Minnesota Statutes 1976, Section 484.34, is amended to read:

484.34 [CHIEF JUDGE; ASSIGNMENTS.] Subdivision 1. In all districts the judges shall meet annually and elect one of their number to be presiding judge, who shall be designated as the chief judge thereof and who shall preside at all meetings of the judges of such district. In the event of a tie vote the judge who is senior in service shall be the chief judge. He shall attend all meetings of the presiding judges of the state which may be called by the chief justice pursuant to section 2-724, subdivision 2, and generally shall be responsible for the coordinating of the business of the court in such district. The business of the court may be

divided between the judges, and otherwise regulated as they by rule or order shall direct. Each may try court or jury causes separately during the same term and at the same time, or two or more of them may sit together in the trial of any cause or matter before the court. If there be a division of opinion, that of the majority shall prevail. If the division be equal, that of the presiding judge, or, if he be not sitting, that of the judge senior in age, shall prevail. In districts composed of more than one county, the presiding judge, at least 30 days before the time appointed by law for holding of a general term of the court in each county, by order filed in the office of the clerk of the court in that county, shall designate and assign one or more of the judges of such district to preside at the term so appointed, and the clerk forthwith shall mail a copy of such order to each judge of the district. If any judge assigned to hold a term of court, as herein provided, is incapacitated by illness or otherwise to preside at such term, another judge shall be designated and assigned in like manner to take his place. The same judge shall not be designated or assigned to hold two consecutive general terms in the same county unless the presiding judge or the judges of the district by order or rule otherwise direct. In each judicial district, the judges of district court shall elect a chief judge from among their number. The chief judge shall be subject to the approval of the supreme court, and may be removed for cause by the chief justice of the supreme court or by the judges of district court in the judicial district in which he serves. The chief judge shall be elected for a term of not more than two years. The seniority of district judges and rotation of the position of chief judge shall not be criteria for the election of the chief judge of district court.

Subd. 2. In each judicial district, the chief judge of the district court shall, subject to the authority of the chief justice of the supreme court, exercise general administrative authority over the district court. The chief judge shall make assignments of the judges of district court within the judicial district, and the assignments may be made without the consent of the judges affected thereby. The chief judge of the district court may also, in consultation with the chief judge of the county court of the judicial district, make assignments of a county court judge to hear district court matters and of a district judge to hear county court matters. Upon application by the chief judge of the district court to the supreme court, the supreme court may assign a county court judge to hear district court matters and a district court judge to hear county court matters. No judge of the district court shall be assigned to hear county court matters unless he consents to the assignment. When a judge of any court is assigned to any other court he is hereby vested with the powers of the judge of the court to which he is assigned.

Subd. 3. The chief judge of district court shall meet as necessary with the chief judge of county court of the judicial district to consider problems of judicial business and administration.

Subd. 4. The chief judges of each judicial district shall convene as necessary a conference of all judges in the judicial district to consider administrative matters and rules of court.

Subd. 2 5. For purposes of applying this section only, the judicial districts as established in section 2.722, shall be used from and after July 1, 1957.

Sec. 10. Minnesota Statutes 1976, Section 484.54, is amended to read:

484.54 [EXPENSES OF JUDGES.] The judges of the district court shall be paid, in addition to the amounts now provided by law, all sums they shall hereafter pay out while absent from their places of residence in the discharge of their official duties ; ~~except that a judge shall not be paid such travel expenses for travel from his place of residence to and from his permanent chambers .~~

Judges shall be compensated for travel expenses in the same manner and amount as state employees. Additionally, judges of the district court shall be reimbursed for all sums, not reimbursed by counties, they shall necessarily hereafter pay out for only the following purposes: telephone tolls, postage, expressage, stationery, including printed letterheads and envelopes for official business; membership dues in the American bar association and affiliated sections, the state bar association and affiliated local district associations, and state and local district judges association; and registration fees, tuition, travel and subsistence for attending educational programs, attendance at which is approved by the supreme court ; and, for delegates as designated by the supreme court, travel and subsistence for attending regular meetings of the American bar association and its affiliated sections. Travel and subsistence expenses shall be paid in the same manner and amount as for state employees . Each judge claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the judge, of all allowable expenses actually paid by him. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid by the commissioner of finance from appropriations for this purpose. *Expenses will be paid pursuant to this section only if reasonable and prudent in amount.*

Sec. 11. Minnesota Statutes 1976, Section 484.63, is amended to read:

484.63 [APPEAL.] *Subdivision 1.* Any person convicted of a petty misdemeanor or a violation of a municipal ordinance punishable by a fine only may appeal from the conviction to the district court upon questions of law only. Any person convicted of a violation of a municipal ordinance for which a sentence of imprisonment is authorized may appeal to the district court in the same manner and with the same effect as provided by chapter 623, except that the appellant shall not have the right to a jury trial unless he was convicted of the violation of a municipal ordinance, charter provision, rule or regulation for which a sentence to imprisonment is authorized and he was not tried by jury in the municipal court. *An aggrieved party may*

appeal to the district court from a determination of a county court or a county municipal court as provided in section 487.39. The appeal shall be heard by a panel of three judges of the district court in the district in which the action was first adjudicated. The judges shall be assigned by the chief judge of the district court. Upon request by the chief judge of the district court the supreme court may temporarily assign a judge from another district to serve on an appellate panel.

Subd. 2. The chief judge of the district court may schedule appellate terms for the hearing of appeals from lower courts. He shall give three weeks' written notice of every appellate term to the clerks of the district court in the counties in which the appeals arose.

Subd. 3. Pleading, practice, procedure and forms in appellate actions shall be governed by rules of procedure adopted by the supreme court for appeal from county to district court. On appeal to the district court briefs shall be acceptable if reproduced from a typewritten page by any means which produces a clear black on white copy.

Sec. 12. Minnesota Statutes 1976, Section 484.65, Subdivision 1, is amended to read:

484.65 [FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT.] Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge *appointed by the chief judge of the district court to serve for a term not exceeding two years*. The judge appointed or elected to said this office shall be designated as the district court judge, family court division. Said district court judge shall be elected or appointed in the manner as provided for the election or appointment of other district court judges, except that he shall be designated district court judge, family court division, and at the primary or general election the office shall be so designated on the ballot. No judge may be appointed to serve consecutive terms as the district court judge, family court division.

Sec. 13. Minnesota Statutes 1976, Section 484.65, Subdivision 6, is amended to read:

Subd. 6. Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court. A person appointed to fill a vacancy in the office of district court judge, family court division shall serve in that office for the unexpired portion of the term during which the vacancy occurred, but may not be appointed to serve as district court judge, family division during the next consecutive term.

Sec. 14. Minnesota Statutes 1976, Section 484.66, is amended to read:

484.66. [DISTRICT ADMINISTRATOR; FOURTH JUDICIAL DISTRICT.] Subdivision 1. In the county of Hennepin, the dis-

district court administrator shall assume the statutory duties of the clerk of district court.

Subd. 2. The duties, functions and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the clerk of district court shall be performed by the district court administrator, whose office is *who shall be appointed by the district court judges of the fourth judicial district pursuant to section 15*.

The district court administrator, subject to the approval of a majority of the judges of the district court, and a majority of the judges of the county municipal court in the fourth judicial district, shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes as are deemed necessary for this purpose. Such reorganization, reallocation or delegation, or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute or law to be performed by the clerk of district court.

Sec. 15. Minnesota Statutes 1976, Chapter 484, is amended by adding a section to read:

[484.67] [DISTRICT ADMINISTRATOR.] *Subdivision 1. [APPOINTMENT.] By January 1, 1979, the chief judge of the district court and the chief judge of the county court or county municipal court in each judicial district shall appoint a district administrator, subject to the approval of a majority of the judges of the district court, and a majority of the judges of the county court or county municipal court in the judicial district.*

If the judges of a judicial district are unable to agree on a person to serve as district administrator, the supreme court shall on its own initiative appoint a district administrator. The district administrator shall serve at the pleasure of a majority of the judges of district court and a majority of the judges of county court or county municipal court of the judicial district.

Subd. 2. [STAFF.] *The district administrator shall have such deputies, assistants and staff as the judges of the judicial district deem necessary to perform the duties of the office.*

Subd. 3. [DUTIES.] *The district administrator shall:*

(a) *Assist the chief judges in the performance of their administrative duties;*

(b) *Manage the administrative affairs of the courts of the judicial districts;*

(c) *Supervise the clerks of court and other support personnel, except court reporters, who serve in the courts of the judicial district;*

(d) *Comply with the requests of the court state administrator for statistical or other information relating to the courts of the judicial district; and*

(e) Perform any additional duties that are assigned to him by law or by the rules of the court.

Subd. 4. The district administrator shall serve as secretary for meetings of the judges of the judicial district.

Subd. 5. The salary and office budget of the district administrator shall be set by the chief judges of the judicial district and apportioned among the counties of the district.

Sec. 16. Minnesota Statutes 1976, Section 485.01, is amended to read:

485.01 [APPOINTMENT; BOND; DUTIES.] There shall be elected in each county A clerk of the district court, who, for each county within the judicial district shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the county board chief judge of district court, in a penal sum of not less than \$1,000 \$25,000 nor more than \$10,000 \$250,000 conditioned for the faithful discharge of his official duties. In the second judicial district the amount of such bond shall be \$10,000 and in the fourth judicial district the amount of such bond shall be \$25,000, which The bond, with his oath of office, shall be filed for record with the county recorder. Such The clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

Sec. 17. Minnesota Statutes 1976, Section 485.018, is amended by adding a subdivision to read:

Subd. 2a. Upon certification by the court administrator of the supreme court that the clerk of district court has failed to perform any of the duties assigned to him by law or by rule of court, the county board shall withhold the salary of the clerk, and shall not pay the salary until receipt of notice from the court administrator that the clerk has performed the duties assigned to him by law or by rule of court.

Nothing in this subdivision shall be construed to prohibit the judges of the district court from removing a clerk of district court from office.

Sec. 18. Minnesota Statutes 1976, Section 487.01, Subdivision 1, is amended to read:

487.01 [PROBATE AND COUNTY COURTS; PROVISIONS.] Subdivision 1. A probate court, which shall be a court of record having a seal, and, except in the counties of Hennepin and Ramsey shall also be a county court, is established in each county. The court shall be open for the transaction of business at the county seat at all reasonable hours. Hearings may be had at such times and places in the county as the court may deem advisable. The necessary and reasonable traveling expenses of judges, judicial officers, referees, reporters, clerks, and em-

ployees in attending hearings in places other than the county seat incident to their duties shall be paid by the county. The county courts of the state shall be in continuous session and shall be deemed open at all times, except on legal holidays and Sundays.

Sec. 19. Minnesota Statutes 1976, Section 487.01, Subdivision 3, is amended to read:

Subd. 3. The following probate and county court districts are established: Kittson, Roseau and Lake of the Woods; Marshall, Red Lake and Pennington; Norman, Clearwater and Mahnomen; Cass and Hubbard; Wadena and Todd; Mille Lacs and Kanabec; Wilkin, Big Stone and Traverse; Swift and Stevens; Pope, Grant and Douglas; Lac qui Parle, Yellow Medicine and Chippewa; Lincoln and Lyon; Murray and Pipestone; Jackson and Cottonwood; Rock and Nobles; Dodge and Olmsted; Lake and Cook; Aitkin and Carlton; Sibley, Meeker and McLeod; Martin, Watenwan and Faribault; Houston and Fillmore; Nicollet and Le Sueur; Winona and Wabasha; Pine, Isanti and Chisago; Sherburne, Benton and Stearns.

A combined county court district may be separated into single county courts by the concurrence of the county boards of the respective counties affected supreme court. Vacancies in the office of judge created by such a separation shall be filled in the manner herein provided for the selection of other county court judges.

The single county court districts so created by such separation shall each be entitled to one judge, subject to the provisions of subdivision 5, clause (5), provided, however, that if the number of judges of the combined county court district exceeds the number of counties, then, upon separation into single county court districts, the county having the largest population determined by the last United States census shall be entitled to two judges and in the event there are more judges than counties remaining, the county having the next largest population determined by the last United States census shall also be entitled to two judges.

In each other county except Hennepin and Ramsey, the probate court of the single county is also the county court of the county and shall be governed by the provisions of sections 487.01 to 487.39.

Sec. 20. Minnesota Statutes 1976, Section 487.01, Subdivision 5, is amended to read:

Subd. 5. Each county court district shall elect one county court judge except:

(1) The district consisting of St. Louis county shall elect six judges; two of the county court judges shall reside and serve in and be elected at large by the voters of St. Louis county; two of the county court judges shall reside and serve in and be elected by the voters in that part of St. Louis county south of the following described line: South of the south line of township 55; the area to

be known as the south district; one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northwest district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and west of the west line of range 18 and excluding that part of Portage township west of the west line of range 18; and one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northeast district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and east of the west line of range 18 and including that part of Portage township west of the west line of range 18.

(2) The district consisting of Dakota county, the district consisting of Anoka county and the district consisting of Stearns, Sherburne and Benton shall each elect five judges;

(3) ~~The district consisting of Olmsted and Dodge counties, the district consisting of Winona and Wabasha counties and the district consisting of Washington county following districts~~ shall each elect three judges :

Olmsted and Dodge counties,
Washington county,
Blue Earth county,
Pine, Isanti and Chisago counties;

(4) ~~The district consisting of Blue Earth county, the district consisting of Clay county, the district consisting of Sibley, Meeker and McLeod counties, the district consisting of Martin, Watonwan and Faribault counties and the district consisting of Pine, Chisago and Isanti counties following districts~~ shall each elect two county court judges :

Clay county,
Carver county,
Cass and Hubbard counties,
Crow Wing county,
Douglas and Grant counties,
Freeborn county,
Marshall county,
Red Lake and Pennington counties,
Mower county,
Otter Tail county,
Rice county,
Scott county,
Winona county,

Wright county,

Kandiyohi county.

(5) The number of judges to be elected may be increased by the county board of the affected county or by the concurrence of the county boards of those affected counties combined into districts.

Sec. 21. Minnesota Statutes 1976, Section 487.01, Subdivision 6, is amended to read:

Subd. 6. For the more effective administration of justice, *the supreme court may combine two or more county court districts into a single county court district by concurrence of the county boards of the respective counties affected.* If districts are combined, the office of a judge may be terminated at the expiration of his term and he shall be eligible for retirement compensation under the provisions of section 487.06.

Sec. 22. Minnesota Statutes 1976, Section 487.02, Subdivision 1, is amended to read:

487.02 [PAYMENT OF EXPENSES.] Subdivision 1. The salary and traveling expenses of a judge of the county court shall be paid by the county in which the expenses were incurred ~~from the general revenue fund of the county.~~ If the district consists of more than one county, the county of the judge's residence shall pay the judge and shall be reimbursed each month by the other counties of the district by apportioning the salary and expenses according to the respective population of the counties as determined by the last United States census state in the amount prescribed by section 15A.083. Expenses shall be paid in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 23. Minnesota Statutes 1976, Chapter 487, is amended by adding a section to read:

[487.031] [CHIEF JUDGE; ASSIGNMENTS.] Subdivision 1. *In each judicial district, the judges of county court or county municipal court shall elect a chief judge from among their number. The chief judge shall be subject to the approval of the supreme court, and may be removed for cause by the chief justice of the supreme court or by the judges of the county court or county municipal court in the judicial district in which he serves. The chief judge shall be elected for a term of not more than two years. The seniority of county court or county municipal judges and rotation of the position of chief judge shall not be criteria for the election of the chief judge of the county court or county municipal court.*

Subd. 2. *In each judicial district, the chief judge of the county court or county municipal court shall, subject to the authority of the chief justice of the supreme court, exercise general administrative authority over the county court or county municipal court. The chief judge shall make assignments of the judges of*

the county court within the judicial district, and the assignments may be made without the consent of the judges affected thereby. The chief judge of the county court or county municipal court may also, in consultation with the chief judge of the district court of the judicial district, make assignments of a county court judge to hear district court matters and of a district judge to hear county court matters. Upon application by the chief judge of the county court or county municipal court to the supreme court, the supreme court may assign a county court judge to hear district court matters and a district court judge to hear county court matters. No judge of the district court shall be assigned to hear county court matters unless he consents to the assignment. When any judge of any court is assigned to any other court he is hereby vested with the powers of the judge of the court to which he is assigned.

Subd. 3. The chief judge of county court or county municipal court shall meet as necessary with the chief judge of district court of the judicial district to consider problems of judicial business and administration.

Sec. 24. Minnesota Statutes 1976, Section 487.08, is amended to read:

487.08 [JUDICIAL OFFICERS.] When the judicial business of a county court requires, the *chief judge of the county court* may appoint one or more full or part time judicial officers who shall be learned in the law and whose salary shall be fixed by the county court, with the approval of the county board or boards of the counties of the district, and paid by the ~~county~~ *counties*. They shall serve at the pleasure of the county court. They shall hear and try such matters as shall be assigned to them by the ~~county court~~ *chief judge*. Before entering upon the duties of office each judicial officer shall take and subscribe an oath, in the form provided by law for judicial officers, and a certified copy of the oath shall be filed in the office of each of the county auditors within the county court district.

Sec. 25. Minnesota Statutes 1976, Section 487.25, Subdivision 6, is amended to read:

Subd. 6. [TRIALS BY JURY; ORDINANCES.] ~~In a trial upon a charge of a violation of any municipal ordinance, charter provision, rule or regulation, the defendant shall have a right to a trial by jury. In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.~~

Sec. 26. Minnesota Statutes 1976, Section 487.35, Subdivision 1, is amended to read:

487.35 [JUSTICES OF THE PEACE.] Subdivision 1. [ABOLISHED.] ~~On the date Laws 1974, Chapter 951 becomes effective in a county court district. The office of justice of the peace is abolished within every municipality in which the county court holds regular sessions or establishes an ordinance and traffic violations bureau. For purposes of this subdivision, the~~

term municipality includes any township, part of which is within the boundaries of an affected municipality.

Sec. 27. Minnesota Statutes 1976, Section 487.39, is amended to read:

487.39 [APPEALS.] Subdivision 1. An aggrieved party may appeal to a *the* district court judge from a determination of a county court or a county municipal court . The provisions of this section govern all appeals from the county court *and the county municipal court* ; appeal provisions of all other statutes are inapplicable except as stated in ~~subdivision 3~~ *Minnesota Statutes, Section 484.63* .

(a) Except as provided in clause (b), the appeal in a civil case shall be taken by filing written notice thereof with the clerk of court of the county in which the action was heard not more than 30 days after written notice of the court's determination has been served upon the aggrieved party or his attorney, or in any event within three months after the determination in a civil case.

(b) In the appeal of petty misdemeanor, ordinance or criminal cases the written notice of appeal shall be filed with the clerk of court of the county in which the action was heard within ten days of the conviction or other determination, and sentencing thereon, appealed from.

(c) A written notice of appeal shall be served by the appellant upon all parties to the original proceedings or their attorneys not more than five days after filing a written notice of appeal and proof of such service shall be filed with the clerk of county court or county municipal court in the county in which the action was heard not more than three days after the service of such notice on the opposite party or his attorney. The appeal shall be heard and determined by a district court judge *appellate panel pursuant to section 484.63* .

Subd. 2. The appeal shall be confined to the typewritten record. By stipulation of all parties, the record may be shortened. The district court judge shall, upon request, hear oral argument and receive written briefs. The district court judge may affirm, reverse or modify the judgment or order appeal from, or take any other action as the interests of justice may require. On appeal from an order, the district court judge may review any order affecting the order from which the appeal is taken and an appeal from a judgment may review any order involving the merits or affecting the judgment. The supreme court shall formulate rules of appellate procedure applicable to a district court judge *panel* hearing appeals from a county court or county municipal court . Until otherwise provided, the rules of appellate procedure applicable to appeals to the supreme court shall apply to a *the* district court judge hearing appeals from a county court or a county municipal court , except as provided in this section. An appeal may be taken from the determination of a district court judge to the supreme court with leave of the supreme court.

Subd. 3. ~~Notwithstanding the provisions of subdivisions 1 and~~

2; an appeal from a determination of the county court in a case in which the presiding judge or judicial officer was not learned in the law shall be to the district court under the provisions of law now governing appeals from probate court and the case shall be heard de novo.

Sec. 28. Minnesota Statutes 1976, Section 488.20, is amended to read:

488.20 [APPEALS TO DISTRICT COURT.] Appeals may be taken to the district court of the county from the judgments of municipal courts in the same cases, upon the same procedure, and with the same effect as provided by law respecting appeals from justice courts; and all laws relating to such last named appeals shall be adopted and applied to appeals from the municipal county courts. The time for appeal shall not start to run until the judgment has been perfected, the costs taxed, and notice of entry of judgment served upon the adverse party. On appeal to district court the appellant shall not be entitled to a trial by jury if trial by jury was held in municipal court but shall be confined to the typewritten record. Appeals from a conviction of a petty misdemeanor or an ordinance violation punishable by a fine only shall be upon questions of law only.

Sec. 29. Minnesota Statutes 1976, Section 488A.01, Subdivision 10, is amended to read:

Subd. 10. [CONTINUOUS TERMS.] The court shall be open every day, except Sundays and legal holidays. The court shall hold a general term for the trial of civil actions commencing on the first Monday following Labor Day of each year and continuing until the next general term, with such adjournments as the judges may determine to be necessary and proper. The term of the court shall be continuous.

Sec. 30. Minnesota Statutes 1976, Section 488A.01, is amended by adding a subdivision to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the district court shall be subject to the provisions of Minnesota Statutes, Sections 484.63 and 487.39.

Sec. 31. Minnesota Statutes 1976, Section 488A.021, Subdivision 8, is amended to read:

Subd. 8. [SALARIES.] Each judge shall be paid by the state an annual salary of \$22,000 in biweekly installments out of the treasury of the county of Hennepin in the amount prescribed by section 15A.083. If a judge dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 32. Minnesota Statutes 1976, Section 488A.10, Subdivision 1, is amended to read:

488A.10 [PLEADING, PRACTICE, PROCEDURE, AND

FORMS IN CRIMINAL PROCEEDINGS.] Subdivision 1. [GENERAL.] Save as otherwise provided in this act *chapter*, pleading, practice, procedure and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision, rule or regulation are governed by the statutes and common law rules which govern in a similar action or proceeding in the district court of Hennepin county (other than those applying peculiarly to felony or gross misdemeanor charges) or by statutes which govern in *county courts of justices of the peace in chapter 487* in the absence of statutes or common law rules governing in said district court.

Sec. 33. Minnesota Statutes 1976, Section 488A.10, Subdivision 6, is amended to read:

Subd. 6. [TRIALS BY JUDGE WITHOUT JURY.] A charge of a violation of any petty misdemeanor law of this state or municipal ordinance, charter provision, rule or regulation, shall be heard, tried and determined by a judge without a jury, and the defendant shall have no right to a jury trial on such a charge, except as required by section 160.03 or otherwise required by law. In the event of such trial without jury, there shall be a right of appeal as provided in section 488.20. *In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.*

Sec. 34. Minnesota Statutes 1976, Section 488A.111, is amended to read:

488A.111 [PAYMENT OF COURT EXPENSES.] All salaries of the judges of the municipal court of the county of Hennepin, court reporters, the clerk, deputy clerks and all other employees of said *the municipal court of Hennepin county court*, and all expenses of said *the court* shall be paid from the treasury of Hennepin county. The board of county commissioners of Hennepin county is authorized to levy taxes annually against each dollar of taxable property within the county as may be necessary for the establishment, operation and maintenance of the court.

Sec. 35. Minnesota Statutes 1976, Section 488A.12, Subdivision 5, is amended to read:

Subd. 5. [CONTINUOUS TERM.] The judges shall hold terms of court from time to time as necessary *continuously* to hear and dispose of all claims as promptly as feasible after filing.

Sec. 36. Minnesota Statutes 1976, Section 488A.18, Subdivision 11, is amended to read:

Subd. 11. [TERMS.] The court shall be open every day, *in continuous session and deemed open at all times except Saturdays, Sundays and legal holidays. The court shall hold a general term for the trial of civil actions with such adjournments as the judges may determine to be necessary and proper.*

Sec. 37. Minnesota Statutes 1976, Section 488A.18, is amended by adding a subdivision to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the district court shall be subject to the provision of Minnesota Statutes, Sections 484.63 and 487.39.

Sec. 38. Minnesota Statutes 1976, Section 488A.19, Subdivision 10, is amended to read:

Subd. 10. [SALARIES.] Each judge shall be paid by the state an annual salary of \$29,000 in biweekly installments out of the treasury of the county of Ramsey in the amount prescribed by section 15A.083. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 39. Minnesota Statutes 1976, Section 488A.27, Subdivision 1, is amended to read:

488A.27 [PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CRIMINAL PROCEEDINGS.] Subdivision 1. [GENERAL.] Save as otherwise provided in this act *chapter*, pleading, practice, procedure and forms in actions or proceedings charging violation of a statute, ordinance, charter provision, rule or regulation shall be governed by the statutes and common law rules which govern in a similar action or proceeding in the district court (other than those applying peculiarly to felony or gross misdemeanor charges) or by statutes which govern in *county courts of justices of the peace in chapter 487* in the absence of statutes or common law rules governing in district court.

Sec. 40. Minnesota Statutes 1976, Section 488A.27, Subdivision 6, is amended to read:

Subd. 6. [TRIALS BY JUDGE WITHOUT JURY.] A charge of a violation of any petty misdemeanor law of this state, municipal ordinance, charter provision, rule or regulation, other than a violation dealing with driving while under the influence of an alcoholic beverage or narcotic drug, speeding that is a third or further offense occurring in one year, or careless or reckless driving where a personal injury is involved, shall be heard, tried and determined by a judge without a jury and the defendant shall have no right to a jury trial on such a charge, except as required by section 169.03, or as otherwise required by law. In the event of such trial without jury, there shall be a right of appeal as provided in section 488.20, and provided further that where there has been a conviction in a trial without jury as provided above, the commissioner of transportation shall not by reason thereof revoke or suspend the defendant's driver's license. In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.

Sec. 41. Minnesota Statutes 1976, Section 488A.281, is amended to read:

488A.281 [PAYMENT OF COURT EXPENSES.] All salaries of the judges of the municipal court of the county of Ramsey, court reporters, the court administrator, and all other employees of said the municipal court of Ramsey county court, and all expenses of said the court shall be paid from the treasury of Ramsey county in biweekly installments. The board of county commissioners of Ramsey county is authorized to levy taxes annually against each dollar of taxable property within the county as may be necessary for the establishment, operation and maintenance of the court. ~~Such~~ The tax is not subject to any limitation on taxing power contained in any other law or charter provision and is in addition to any other tax levied by ~~such~~ that body.

Sec. 42. Minnesota Statutes 1976, Section 488A.29, Subdivision 5, is amended to read:

Subd. 5. [TERMS OF COURT.] The judges shall hold terms of court from ~~time to time~~ as necessary continuously to hear and dispose of all claims as promptly as feasible after filing.

Sec. 43. Minnesota Statutes 1976, Section 525.081, Subdivision 7, is amended to read:

Subd. 7. No judge of the probate court in any county having a population of 25,000 or more, shall practice as an attorney or counselor at law, nor shall he be a partner of any practicing attorney in the business of his profession, nor shall he serve as an appraiser in any estate proceeding.

Sec. 44. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall remove all references to justices of the peace.

Sec. 45. [REPEALER.] Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; and Chapters 530; 531; 532; and 633 are repealed.

Sec. 46. [EFFECTIVE DATE.] Subdivision 1. This act shall be effective July 1, 1977.

Subd. 2. On the effective date of this act, a person elected to the office of district court judge, juvenile court division, pursuant to Minnesota Statutes 1976, Section 260.021, Subdivision 3, shall no longer be designated as the district court judge, juvenile court division; but he shall serve as a district court judge for the term of office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court.

Subd. 3. On the effective date of this act, a person elected to the office of district court judge, family court division, pursuant to Minnesota Statutes 1976, Section 484.65, Subdivision 1, shall no longer be designated as the district court judge, family court division, but he shall serve as a district court judge for the term of

office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court."

Further, amend the title as follows:

Page 1, strike lines 2 to 20 and insert:

"relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; and 487, by adding a section; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; and Chapters 530; 531; 532; and 633."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 361: A bill for an act relating to education; handicapped pupils; providing instruction for certain nonresident pupils; requiring certain costs to be paid by district of residence; amending Minnesota Statutes 1976, Section 120.17, Subdivision 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [122.84] [POLICY.] It is the policy of the state to encourage the organization of school districts into local units of administration that will afford better educational opportunities

for all pupils, make possible a more economical and efficient operation of the schools and insure a more equitable distribution of public school revenue.

Sec. 2. [122.85] [DISSOLUTION OF DISTRICTS.] Except as provided in section 6, subdivision 3 of this act, any school district which on October 1, 1977, has an enrollment of fewer than 300 secondary school pupils shall be dissolved on July 1, 1981. As used in this section, secondary school pupils shall mean pupils in grades 7 to 12.

Sec. 3. [122.86] [REGIONAL SCHOOL ORGANIZATION PLANNING COMMISSIONS.] Subdivision 1. [CREATION.] In order to provide for comprehensive and coherent planning for the reorganization of districts dissolved or divided pursuant to sections 1 to 8 of this act, 13 regional school organization planning commissions are created. Geographic boundaries for these commissions shall coincide with those identified in governor's executive orders 8, dated September 1, 1971, and 59, dated May 29, 1973, issued pursuant to sections 462.381 to 462.397.

Subd. 2. [SCHOOL DISTRICT MEMBERSHIP.] The geographic location of the central administrative office of a school district on July 1, 1977, shall determine the membership of the total school district in a particular commission's planning area. A school district which desires to be placed in a different commission's area shall petition the commissioner of education prior to August 15, 1977, setting forth its request and presenting facts to support this placement. The commissioner shall render a decision to the petitioning district within 45 days, and this decision shall be final.

Subd. 3. [COMMISSION MEMBERSHIP.] Each commission shall consist of two school board members from each school district within its geographic boundaries. Each school board shall be responsible for selecting its own representatives. These appointments shall be made no later than August 15, 1977, and the commissioner of education shall be notified of these appointments no later than September 1, 1977. In the event a transfer petition is granted pursuant to subdivision 2, the representatives of that district shall be transferred to the other commission by the commissioner. Members of these commissions shall hold their offices from the dates of their selection until June 30, 1979. Vacancies on the commissions shall be filled by the respective school boards in the same manner as the original appointments.

Subd. 4. [ORGANIZATION.] The commissioner of education or his designee shall call the first meeting of each commission at a time designated by him prior to September 30, 1977. At this meeting each commission shall elect from its membership a chairman and such other officers as it may deem necessary, and conduct any other necessary organizational business.

Subd. 5. [EXPENSES.] Members of these commissions shall receive expenses in the same manner and amount as state employees upon application to the commissioner of education.

Sec. 4. [122.87] [POWERS AND DUTIES.] Subdivision 1. Each regional school organization planning commission shall examine each school district within its geographic boundaries to determine whether that district has an enrollment of fewer than 300 secondary school students on October 1, 1977.

Subd. 2. In the event that a commission determines that one or more school districts within its area does not have 300 enrolled secondary school students on October 1, 1977, it shall recommend a plan for the reorganization of the districts within its area. The plan may include a reorganization of any of the districts within the area.

Subd. 3. In the development of its plans for the districts within its area, each commission shall confer with school authorities and interested residents within the area, hold such public hearings as may be necessary, and furnish to school board members and the public necessary information concerning its recommendations.

Subd. 4. Commissions may meet jointly to discuss reorganization plans which will cross commission area boundaries. Recommendations of such plans shall be presented to the state board jointly by these commissions.

Sec. 5. [122.88] [REPORTS.] Subdivision 1. Each regional school organization planning commission shall report to the state board of education prior to January 1, 1979.

Subd. 2. Each commission shall consider the following factors in examining the school districts within its area and in preparing its report:

(a) Three, five and ten year enrollment projections for each school district in its area;

(b) An analysis of educational programs and services in each school district;

(c) An analysis of current cooperative efforts involving one or more school districts within the area;

(d) An analysis of the financial status and ability of the school districts to support minimum educational programs;

(e) An analysis of the use and condition of school buildings in the districts;

(f) An analysis of the most efficient and effective organization of services for students within the area;

(g) A determination of which services, including administrative, instructional, and supporting, may be most efficiently and effectively offered through cooperation or reorganization;

(h) A determination of the relative costs of cooperation and reorganization;

(i) A determination of the impact of population sparsity on reorganization where reorganization or cooperation is not

economically and geographically feasible. If it is the recommendation of the commission that a district which would otherwise be dissolved under the provisions of section 2 be exempted from that section, the report shall specify in detail the reasons why that particular exemption would be justified.

Subd. 3. The report shall include all territory of school districts to be attached to or consolidated with other districts. The county auditor of each county containing a district affected by this report shall submit to the state board of education a plat showing the size and boundaries of the areas proposed for attachment or consolidation, the boundaries of the proposed consolidated district, the location of school buildings in the area and shall submit other pertinent information required by the state board of education, on forms provided by the board. A true copy of the plat together with a statement containing any other pertinent information the auditor determines to be helpful to the state board shall be filed with the auditor of each county in which is situated any part of an affected district, and with the clerk of the district to which is proposed the attachment of or consolidation with all or any part of the territory of the district dissolved.

Subd. 4. The report shall also include a proposal for the division of the assets and liabilities of any district proposed to be dissolved or divided by the commission.

Subd. 5. The commissions shall have access to such information and technical advice and services from the regional development commissions, educational cooperative service units, county auditors, the state agencies and officials, and other governmental agencies as necessary to fulfill their purposes.

Sec. 6. [122.89] [STATE BOARD OF EDUCATION.] Subdivision 1. Prior to July 1, 1979, the state board of education shall adopt, reject or modify the reports of each regional school organization planning commission. The state board shall thereafter, pursuant to the provisions of Minnesota Statutes, Chapter 15, adopt a state school organization plan which shall be effective on July 1, 1981. All school districts in the state shall be bound by the provisions of this plan as adopted.

Subd. 2. In the event a report is not submitted by a commission, the state school organization plan shall provide for any necessary divisions or consolidations of districts within the boundaries of that commission's area.

Subd. 3. Notwithstanding the provisions of section 2 of this act, the state board may exempt any school district from the provisions of sections 1 to 8 of this act if, in the determination of the board, the dissolution or division of the district would work an undue hardship upon the district to which the territory is to be attached or consolidated because of the greatly increased distances which pupils would have to be transported.

Subd. 4. Upon final approval of the state plan by the state board, the commissioner shall present the adopted plats to the

county auditors of the counties containing the affected school districts.

Subd. 5. Appeals of any provisions of the state school organization plan as finally adopted by the state board and of any orders issued by the state board pursuant to section 7 of this act shall be conducted pursuant to the provisions of sections 15.0424 to 15.0426.

Sec. 7. [122.90] [DISTRIBUTION AND DIVISION OF ASSETS AND LIABILITIES; TAXATION.] Subdivision 1. Title to all the property, real and personal, of any district dissolved or divided under the provisions of the plan adopted by the state board, and all legally valid and enforceable claims and contract obligations, pass to the new district. If a district is divided by virtue of the proceedings, the state board shall issue its subsequent order providing for the division of the assets and liabilities according to such terms as it may deem just and equitable.

Subd. 2. After June 30, 1981, all the taxable property of any dissolved district or territory attached to or consolidated with another district is taxable for the payment of all bonded indebtedness, debt service, capital loans, state loans, school construction loans, and judgments previously incurred by the previous district in the proportion which the assessed valuation of that part of the previous district which is included in the newly enlarged district bears to the entire previous district at the time of the attachment or consolidation. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the state board dividing the assets and liabilities of the component parts. As of July 1, 1981, all the taxable property of the newly enlarged district is taxable for the payment of all obligations incurred by the newly enlarged district on or subsequent to that date.

Sec. 8. [122.91] [OFFICERS; EMPLOYEES; TRANSITIONAL PROVISIONS.] The 1979 session of the legislature shall deal with the questions of terms and elections of school board members and of the employment of personnel serving in districts dissolved or divided by the provisions of sections 1 to 8 of this act.

Sec. 9. [122.92] Nothing in sections 1 to 8 of this act shall be construed to mandate the closing of any elementary school building or the shifting of any elementary school attendance area. The legislature encourages school boards of newly enlarged districts to maintain elementary attendance areas existing prior to attachment or consolidation.

Sec. 10. [APPROPRIATION.] The sum of \$700,000 is appropriated from the general fund to the department of education to be available until June 30, 1979, to pay expenses of regional school reorganization planning commission members as provided in section 3 of this act.

Sec. 11. [EFFECTIVE DATE.] This act shall be effective the day following final enactment."

Further, amend the title by striking it and inserting:

"A bill for an act relating to education; reorganizing school districts; providing for a July 1, 1981 dissolution date for school districts with fewer than 300 secondary school pupils on October 1, 1977; requiring transitional planning by regional school organization planning commissions; granting certain powers and duties relating to school district organization to the commissioner and the state board of education; appropriating money."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was re-referred

S. F. No. 1201: A bill for an act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1, 1a and by adding a subdivision; 105.415; 105.44, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 10; 105.462; 105.482, Subdivisions 3 and 5; and Chapter 105, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, strike "*designate*" and insert "*appoint*"

Page 2, line 2, strike "*who*" and insert "*with the advice and consent of the senate to serve at the pleasure of the governor for a four year term coterminous with the term of the governor. The chairperson*"

Page 2, line 5, after the period insert "*The chairperson shall be compensated as provided for a board member pursuant to section 15.0575. The board shall supersede and replace the Minnesota water resources council created by executive order of the governor.*"

Page 2, line 10, after "1976" insert "*, if so requested by the commission*"

Page 2, line 16, strike "*(PL89-80)*" and insert "*, Public Law 89-80*"

Page 2, line 17, strike "*and*"

Page 2, line 21, after "*involvement*" insert "*;*"

(5) *Evaluate and recommend improvements in state laws, rules and procedures in order to reduce overlap, duplication or conflicting jurisdictions among the many state and interstate agencies having jurisdiction in the area of public water resource management and regulation; and*

(6) *Coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area*"

Page 4, line 22, strike "*, provided that when a*"

Page 4, strike lines 23 to 28

Page 4, line 29, strike "*completion of the well*"

Page 6, line 9, reinstate "*a watershed district*" and after "*district*" insert "*or*"

Page 6, line 12, reinstate the stricken language and after "*district*" insert "*and*"

Page 6, line 25, reinstate "*a watershed district*" and before "*a*" insert "*or*"

Page 6, line 27, reinstate the stricken language

Page 6, line 28, reinstate "*district*" and after the reinstated "*district*" insert "*and*"

Page 6, line 31, after "*The*" insert "*managers or*"

Page 7, line 9, reinstate "*the managers*"

Page 7, line 10, reinstate the stricken language and after "*district*" insert a comma

Page 7, line 21, after the comma insert "*the*" and reinstate the stricken language

Page 7, line 22, reinstate the stricken language

Page 8, line 17, after "*or*" insert "*the*" and reinstate "*watershed*" and after "*watershed*" insert "*district and the*"

Page 9, lines 1, 10 and 17, strike "*substantial*" and insert "*material*"

Page 14, after line 8, insert:

"Sec. 17. Minnesota Statutes 1976, Section 156A.07, Subdivision 4, is amended to read:

Subd. 4. All persons licensed under the provisions of sections 156A.01 to 156A.08 shall, within 30 days after completion of any well, submit a verified report to the Minnesota department of health upon forms provided by it containing the following information: (a) the name and address of the owner of such well and the actual location of such well; (b) a well log of the materials and water encountered in connection with drilling such well, together with all pumping tests relating thereto; (c) such other information as the board of health may require concerning the drilling of such well. The board of health shall send one copy of the report to the commissioner of natural resources, *the local soil and water conservation district within which the well is located*, and one copy to the director of the Minnesota geological survey within 30 days of receipt from the water well contractor. The department of health

may: (1) Establish procedures for coordinating well data collection with other state and local governmental agencies; and (2) Establish criteria and procedures for submission of well logs, formation samples or well cuttings, water samples or other special information which may be required for geologic and water resource mapping to protect, develop, and manage, for the public health and welfare and to assist in the development of a state water information system. The license of any person licensed under sections 156A.01 to 156A.08 may be suspended or revoked, as provided in section 156A.03, for violation of any of the provisions of this subdivision."

Page 17, line 24, strike "3" and insert "4"

Page 17, line 29, strike "4" and insert "5"

Page 18, line 9, strike "commissioner" and insert "governor"

Page 18, line 9, strike "commissioner's" and after "order" insert "of the governor"

Page 18, line 11, after "restrictions" insert "consistent with rules adopted by the commissioner of natural resources"

Page 18, line 15, after the period insert "The commissioner may adopt emergency rules relating to matters covered by this section during the year 1977."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after "5;" insert "156A.07, Subdivision 4;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1039: A bill for an act relating to the city of Eveleth; firemen's pensions; amending Laws 1935, Chapter 208, Section 11, as added and amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "200," insert "or Laws 1976, Chapter 78,"

Page 1, line 21, after "act." insert "The amount of any increase payable under section 1 of this act shall be paid retroactive to January 1, 1977. The retroactive increase payments shall be included with the first monthly payment after the effective date of this act."

Page 1, after line 21, insert:

"Sec. 2. [COVERAGE BY THE PUBLIC EMPLOYEES POLICE AND FIRE FUND.] Notwithstanding any provisions of law to the contrary, as of the effective date of this act, all active em-

ployees of the police department and the fire department of the city of Eveleth shall cease to be members of the Eveleth police relief association or the Eveleth firemen's relief association respectively, and shall cease to have any accrual of service credits, rights, or benefits from the respective relief associations. From and after the effective date of this act, all active members of the police and fire departments of the city of Eveleth shall be members of the public employees police and fire fund established pursuant to Minnesota Statutes, Section 353.63 to 353.68.

Sec. 3. [PURCHASE OF PRIOR SERVICE IN THE PUBLIC EMPLOYEES POLICE AND FIRE FUND.] Any active employee who has pension coverage transferred from the local relief association to the public employees police and fire fund pursuant to section 2 of this act shall be entitled to receive credit in the public employees police and fire fund for any or all periods of service as either a police officer employed by the Eveleth police department or a firefighter employed by the Eveleth fire department. Service credit in the public employees police and fire fund for each active employee who elects to purchase prior service credit shall be granted upon receipt of an amount equal to that percentage of the required reserves which the assets of the public employees police and fire fund bear to the accrued liability of the fund as determined by the most recent actuarial valuation submitted to the legislative commission on pensions and retirement pursuant to Minnesota Statutes, Chapter 356, for the period or periods of service which the employee elects to purchase as calculated by the actuary of the public employees police and fire fund and certified by the board of trustees of the public employees retirement association. The amount required to make the purchase of prior service credit under this section shall be made by the active employee and the city of Eveleth in a lump sum prior to July 1, 1979, and shall be apportioned between the active employee and the city of Eveleth as the active employee and the city shall agree.

Sec. 4. [REFUND OF EMPLOYEE CONTRIBUTIONS.] Any active employee who has pension coverage transferred from a local relief association to the public employees police and fire fund pursuant to section 2 of this act shall be entitled upon making written application prior to November 1, 1978 to a refund of the employee's accumulated contributions. Acceptance of the refund by the active employee shall terminate all rights which the active employee has to any benefits from the respective local association.

Sec. 5. [TRUST FUND FOR RELIEF ASSOCIATION BENEFICIARIES.] Notwithstanding any law to the contrary, effective January 1, 1978, the special funds of the Eveleth police relief association and the Eveleth firemen's relief association shall be transferred to the city of Eveleth. The city of Eveleth, on the same date, shall transfer an amount equal to \$123,600 to a special account established by the city which shall be maintained separately as a trust fund for the exclusive benefit of the retired members of the Eveleth police relief association and the Eveleth firemen's relief association who were receiving benefits on the effective date of this act and their surviving spouses if otherwise entitled to benefits

under the laws governing the respective former relief associations. The trust fund shall be managed by a board of trustees composed of three members, with one member selected by the retired members of the former firemen's relief association, one member selected by the retired members of the former police relief association, and one member selected by the city council. The term of the board shall be indefinite and shall continue until a vacancy shall occur in one of the positions on the board. The city of Eveleth shall perform whatever services are necessary to administer the trust fund. The balance of the trust fund shall not revert to the city of Eveleth until all obligations of the trust fund are paid. The benefit provisions of the Eveleth police relief association and the Eveleth firemen's relief association which were in effect as of the effective date of this act shall continue in force to govern the respective benefits paid out of the trust fund.

Sec. 6. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.] *Commencing January 1, 1978, the city of Eveleth shall provide by annual levy an amount sufficient when added to the investment income of the trust fund to pay the benefits provided under the trust fund for the succeeding year as certified by the board of trustees of the trust fund. The annual levy under this section shall not be included in any limitation as to rate or amount set by charter and shall be a special levy for purposes of Minnesota Statutes, Section 275.50, Subdivision 5. All revenues generated by the levy required under this section shall be transferred to the trust fund.*

Sec. 7. [FINANCIAL REQUIREMENTS FOR ACTIVE MEMBERS.] *The city of Eveleth shall make the employer contribution to the public employees police and fire fund as specified in Minnesota Statutes, Sections 353.63 to 353.68. Notwithstanding any contrary provisions of Minnesota Statutes, Chapter 69, any fire state aid or police state aid received by Eveleth may be allocated by the city council between the financial requirements set forth in section 6 of this act and this section. Amounts allocated for use in meeting the financial requirements under section 6 of this act shall reduce the levy required pursuant to that section.*

Sec. 8. [AUTHORITY TO BOND TO ACCOMPLISH THE PURPOSES OF THIS ACT.] *The city of Eveleth is hereby authorized to sell bonds in such amounts as will provide the necessary funds to pay the employer's share of the purchase of prior service in the public employees police and fire fund pursuant to section 3 of this act. The maturity of such bonds shall not be more than 15 years from the date of sale. The bonds may be issued and sold without a vote of the electorate and shall not be included in the net debt of the city for purposes of any charter or statutory debt limitation. Taxes for the payment of the bonds and interest thereon shall not be subject to any statutory or charter limitation on the rate or the amount.*

Sec. 9. [TWO HARBORS FIREMEN'S PENSIONS; VALIDATION OF PREVIOUS PAYMENTS.] *All retroactive payments of service pension increases granted to retired members from the special fund of the Two Harbors volunteer firemen's*

relief association made prior to April 1, 1977, in accordance with the bylaws of the association are hereby deemed authorized."

Page 1, line 22, after "effective" insert "*with respect to the city of Eveleth*"

Page 2, line 1, after "council" insert "*and with respect to the city of Two Harbors upon approval by the governing body of the city of Two Harbors*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "the city of Eveleth" and insert "retirement"

Page 1, line 3, after "pensions" insert "in the cities of Eveleth and Two Harbors; consolidation of the police and firemen's relief associations in the city of Eveleth into the public employees police and fire fund"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 803: A bill for an act relating to energy conservation; appropriating money to the university of Minnesota for the purpose of research into developing an alcohol supplement that can be blended with gasoline.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. The University of Minnesota, the departments of agricultural engineering, and agricultural and applied economics shall carry out a research and demonstration project to study the feasibility of developing an agriculturally derived ethyl alcohol supplement to be blended with diesel fuel so as to produce a liquid fit for use as a fuel in diesel engines used for agricultural purposes. In carrying out the project, the departments shall utilize to the fullest extent possible studies, data and reports of public agencies, private organizations and corporations, research institutes and other institutions of higher education. Before the project begins it shall be presented to the energy agency for review and comment.

An interim report shall be provided by September 1, 1979, to the energy agency and the Minnesota department of agriculture for review and comment. The university shall then provide the legislature with a final report and recommendations by January 1, 1979.

The project report shall include, but is not limited to, results from field studies or demonstration projects, and a review of the technical feasibility, possible energy impacts, biomass options,

economic feasibility, agricultural sources and policy recommendations. A review of the relevant literature and a glossary shall also be included.

Sec. 2. The sum of \$50,000 is appropriated from the general fund to the University of Minnesota for the purpose of section 1. This appropriation shall not lapse but shall be available for expenditure until January 1, 1979.

Sec. 3. This act is effective on the day following final enactment."

Further, amend the title to read:

"A bill for an act relating to energy research; appropriating money to the University of Minnesota for research into an ethyl alcohol supplement to be blended with diesel fuel."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1361: A bill for an act relating to health; providing state grants to finance health related research activities; directing the state health coordinating council to establish a health research subcommittee; providing for its powers and duties; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, before "U.S.C." insert "42"

Page 1, line 17, strike "such" and insert "any"

Page 3, line 20, strike "POLICY" and insert "SERVICES"

Page 3, lines 23 and 27, strike "policy" and insert "services"

Page 4, line 7, strike "such" and insert "any"

Page 4, line 23, strike "policy" and insert "services"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1089: A bill for an act relating to the university of Minnesota; providing for the establishment of a program for developmental disability; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, strike "developmental" and insert "developmentally"

Page 2, line 28, after "Sec. 2." insert "The sum of"

Page 2, line 28, after "\$525,216" insert "in each fiscal year"

Page 2, line 29, after "fund" insert "for the biennium ending June 30, 1979,"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1415: A bill for an act relating to Independent School District 625; providing for the severance pay of employees.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1000: A bill for an act relating to taxation; requiring indication on income tax return of school district in which taxpayer resides; amending Minnesota Statutes 1976, Section 290.39, Subdivision 1.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 690: A bill for an act appropriating money for educational television facilities in northern Minnesota.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 542: A bill for an act relating to education; appropriating money to expand nursing education programs at Mankato state university.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 961: A bill for an act relating to education; state universities; handicapped students; waiving tuition for legally blind students; amending Minnesota Statutes 1976, Section 136.11, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1168: A bill for an act relating to education; authorizing school boards to appoint a student advisory member.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "may" insert "be permitted to"

Page 1, line 14, before "be" insert "to"

Page 1, line 14, before "introduce" insert "to"

Page 1, line 15, before "participate" insert "to"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was re-referred

S. F. No. 1191: A bill for an act relating to the city of Springfield; providing for city buildings and equipment and their use; providing for a bond issue.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, strike lines 17 and 18 and insert:

"Sec. 2. This act is effective upon approval by a majority of the city council of the city of Springfield, and upon compliance with Minnesota Statutes, Section 645.021."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 947: A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

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 were referred

H. F. Nos. 557 and 946 for comparison to companion Senate Files, reports the following House Files were found identical

and recommends the House Files be given their Second Readings and substituted for 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.
946	612			557	20

and that the above Senate Files be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 324 for comparison to its companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
324	395				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 324 be amended as follows:

Page 1, line 23, delete the new language and reinstate the stricken language

Page 4, delete lines 16 to 19 and insert

"rate of 15 cents per mile provided in section 43.327, notwithstanding any other provision to the contrary. When two or more witnesses subpoenaed in the same action live in the same general direction, mileage shall be charged only for the subpoenaing the most remote. When court is usually held at one or more"

Page 5, after line 3, insert:

"Sec. 5. Section 357.09 shall not relate to or affect the fees of the sheriff of Ramsey county."

Further amend the title of H. F. No. 324 in line 2, after "sheriffs;" insert "increasing the"

And when so amended, H. F. No. 324 will be identical to S. F. No. 395 and further recommends that H. F. No. 324 be given its second reading and substituted for S. F. No. 395 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. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 481: A bill for an act relating to education; pre-

viding for aids to education, tax levies, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the commissioner of education, the state board of education, and the state board for vocational education; requiring a certificate of need for certain school district construction; providing a June 1 date for the discharge or termination of certain teachers; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 1a; 121.11, Subdivision 5; 121.902; 121.908, by adding a subdivision; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivisions 1 and 2; 122.21, Subdivision 6; 123.335, Subdivision 2; 123.351, Subdivision 4; 123.39, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2, and by adding a subdivision; 124.11; 124.14, Subdivision 1; 124.17, Subdivision 1, and by adding a subdivision; 124.19, Subdivision 1; 124.212, subdivisions 4, 6b, 7b, 8a and 11, and by adding subdivisions; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3 and 6; 124.223; 124.24; 124.26, Subdivision 4; 124.271, Subdivision 2; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.563, Subdivisions 1 and 3; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 124.611; 125.12, Subdivisions 3, 4 and 10; 125.17, Subdivision 3; 273.138, Subdivision 3; 275.124; 275.125, Subdivisions 2a, 4, 5, 8, 9, 9a, 12, 13 and by adding subdivisions; 475.61, Subdivision 4; Chapter 121, by adding a section; Chapter 124, by adding sections; Laws 1976, Chapter 271, Sections 94 and 98, Subdivision 3; and Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended; repealing Minnesota Statutes 1976, Sections 123.40, Subdivision 7; 123.80, Subdivision 1; 124.04; 124.14, Subdivision 2; 124.19, Subdivision 2; 124.212, Subdivisions 3a and 19; 124.215, Subdivisions 2a, 3, 4, 5, 7 and 8; 124.221; 124.222, Subdivisions 4 and 5; 124.23; 124.25; 124.271, Subdivision 1; 124.30; 124.562, Subdivisions 5 and 6; 124.563, Subdivision 4; 124.565, Subdivisions 2 and 5; 124.57; 126.021; 126.022; 126.024; 273.138, Subdivision 7; 473.633; and 473.635.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 32, strike "29" and insert "28"

Page 9, strike lines 21 to 32

Page 10, strike lines 1 to 14

Page 10, line 15, strike the new language

Page 11, strike section 10

Page 11, strike section 11

Page 13, line 27, strike "29" and insert "28"

Page 14, line 3, strike "29" and insert "27"

Page 18, line 30, strike "\$574,600,000" and insert "\$591,160,000"

Page 19, line 1, strike "\$522,100,000" and insert "\$538,660,000"

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 22, after "7b" strike the comma and insert "and"

Page 1, line 22, strike "and 11"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1387, 1164, 3, 1103, 1023, 880, 1093, 1381, 1385, 111, 1331, 1298, 1039 and 1415 were read the second time.

S. F. Nos. 1113, 1116, 1140, 1112, 500, 1077, 397, 1183, 101, 767, 830, 626, 579, 1234, 713, 337, 603, 1203, 1029, 1300, 1269, 324, 1302, 888, 787, 1166, 399, 311, 1168, 1191, 947 and 1416 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 489, 946, 557, and 324 were read the second time.

H. F. Nos. 598 and 326 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Lessard moved that his name be stricken as co-author to S. F. No. 176. The motion prevailed.

Mr. Stumpf moved that the names of Messrs. Sieloff and McCutcheon be added as co-authors to S. F. No. 1415. The motion prevailed.

Mr. Vega moved that the name of Mr. Merriam be added as co-author to S. F. No. 662. The motion prevailed.

Mr. Menning moved that the names of Messrs. Willet and Olhoff be added as co-authors to S. F. No. 1402. The motion prevailed.

Mr. Menning moved that his name be stricken as co-author to S. F. No. 669. The motion prevailed.

Mr. Knutson moved that the names of Mrs. Brataas and Mr. Bernhagen be added as co-authors to S. F. No. 1167. The motion prevailed.

Mr. Penny moved that the name of Mr. Frederick be added as co-author to S. F. No. 1272. The motion prevailed.

Mr. Chenoweth moved that H. F. No. 542 be withdrawn from the Committee on Local Government and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1384. The motion prevailed.

Mr. Tennesen moved that S. F. No. 1023 be stricken from the Consent Calendar and placed on General Orders. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up Senate Files on the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 769, 569, 640, 417, 620, 388, 562, 348, 774, 586, 831, 916, 686, 102, 477, 499, 362, 766, 582, 682, 972, 600 and 804, which the committee recommends to pass.

S. F. No. 667, which the committee recommends to pass with the following amendments offered by Messrs. Spear and Tennesen:

Mr. Spear moved to amend S. F. No. 667 as follows:

Page 2, line 13, after "boundaries." insert "In no case shall the city council include the making of grants as a part of the program authorized by this act."

Mr. Tennesen moved to amend S. F. No. 667 as follows:

Page 3, line 15, after "exceed" insert "80 percent of"

Mr. Tennesen then moved to amend S. F. No. 667 as follows:

Page 4, line 4, strike everything after "475" and insert a period

Page 4, strike lines 5 and 6

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Lessard	Perpich	Tennesen
Bang	Frederick	Lewis	Renneke	Ueland, A.
Benedict	Hanson	Luther	Sieloff	Ulland, J.
Bernhagen	Keefe, J.	McCutcheon	Sikorski	Vega
Borden	Kirchner	Moe	Sillers	
Brataas	Laufenburger	Nelson	Solon	

Those who voted in the negative were:

Chmielewski	Johnson	Olhoft	Schmitz	Strand
Dieterich	Keefe, S.	Olson	Schrom	Stumpf
Gearty	Kleinbaum	Penny	Setzepfandt	Wegener
Gunderson	Knoll	Peterson	Spear	Willet
Hughes	Milton	Purfeerst	Staples	
Humphrey	Ogdahl	Schaaf	Stokowski	

The motion did not prevail. So the amendment was not adopted.

Mr. Tennessen then moved to amend S. F. No. 667 as follows:

Page 4, line 1, strike "general obligation"

Page 4, line 2, strike "bonds or"

Page 4, line 2, after "obligations" insert "payable solely from revenues"

Page 4, strike lines 7 and 8

Page 4, line 19, strike "general obligation bonds or"

Page 4, line 20, after "obligations" insert "payable solely from revenues"

Amend the title as follows:

Page 1, line 5, strike "limited general"

Page 1, line 6, strike "obligation and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 30, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	McCutcheon	Renneke	Solon
Bernhagen	Keefe, J.	Nelson	Sieloff	Tennessen
Borden	Laufenburger	Olhoft	Sikorski	Ulland, J.
Brataas	Lessard	Perpich	Sillers	Vega
Davies				

Those who voted in the negative were:

Chmielewski	Humphrey	Menning	Purfeerst	Stokowski
Dieterich	Johnson	Milton	Schaaf	Strand
Dunn	Keefe, S.	Ogdahl	Schmitz	Stumpf
Frederick	Kleinbaum	Olson	Setzepfandt	Ueland, A.
Gearty	Knoll	Penny	Spear	Wegener
Hughes	Luther	Peterson	Staples	Willet

The motion did not prevail. So the amendment was not adopted.

S. F. No. 265, which the committee recommends to pass with the following amendment offered by Mr. Laufenburger:

Page 1, line 10, strike everything after "Subdivision 1."

Page 1, strike lines 11 to 16 and insert "[LIABILITY OF POLITICAL SUBDIVISIONS.] Any political subdivision transporting or causing to be transported any sand, gravel or other road building materials over a town road shall restore that road or reimburse the town for restoration of that road to as good condition as it was prior to that transportation."

S. F. No. 23, which the committee recommends to pass with the following amendment offered by Mr. McCutcheon:

Page 1, line 16, after "injury" insert "suffered in the course of employment of that employer"

S. F. No. 208 which the committee reports progress, subject to the following motions:

Mr. Olhoft moved to amend S. F. No. 208 as follows:

Page 2, line 3, strike "Every new" and insert "If an"

Page 2, line 3, strike "containing" and insert "entered into after the effective date of this act contains"

Page 2, line 5, after "employer" insert ", the employer"

Page 2, line 5, strike "include" and insert ", at the time the agreement is made, provide"

Page 2, line 6, strike "provision notifying" and insert "written notification to"

The motion prevailed. So the amendment was adopted.

Mr. Olhoft then moved to amend S. F. No. 208 as follows:

Page 1, line 10, after "assign" insert "or offer to assign"

Page 1, line 11, after "invention" insert "for which no equipment, supplies, facility or trade secret information of the employer was used and which was developed entirely on the employee's own time, and (1)"

Page 1, line 12, strike "(1)" and insert "(a)"

Page 1, line 12, strike the comma

Page 1, line 12, strike "(2)" and insert "(b)"

Page 1, line 14, after ", or" insert "(2)"

Page 1, line 15, strike ", and for" and insert a period

Page 1, strike lines 16 and 17

Page 1, line 18, strike everything before "any"

Page 1, line 20, strike "shall" and insert "is"

Page 1, line 21, strike "be"

Page 2, line 4, after "assign" insert "or offer to assign"

Page 2, line 7, after "invention" insert "for which no equipment, supplies, facility or trade secret information of the employer was used and which was developed entirely on the employee's own time, and (1)"

Page 2, line 7, strike "(1)" and insert "(a)"

Page 2, line 8, strike the comma

Page 2, line 8, strike "(2)" and insert "(b)"

Page 2, line 10, after "or" insert "(2)"

Page 2, line 11, strike the first comma and everything thereafter and insert a period

Page 2, strike lines 12 to 14

The motion prevailed. So the amendment was adopted.

S. F. No. 208 was then progressed.

S. F. No. 649, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 4, line 14, before the comma insert "*and homesteaded*"

S. F. No. 389, which the committee recommends to pass with the following amendment offered by Mr. Sikorski:

Page 3, line 25, after the period insert "*In the case of a veteran who has died prior to the effective date of this act, the surviving spouse may apply for a reclassification of the property in accordance with the provisions of this act.*"

S. F. No. 737, which the committee recommends to pass with the following amendments offered by Messrs. Hughes, McCutcheon and Davies:

Mr. Hughes moved to amend S. F. No. 737 as follows:

Page 1, line 17, before "*city*" insert "*full time*"

Mr. Hughes then moved to amend S. F. No. 737 as follows:

Page 1, line 13, before "*officer*" insert "*appointed*"

Page 2, line 15, restore the stricken "*appointing*"

Page 2, lines 16 and 17, strike the new language

Mr. McCutcheon moved to amend S. F. No. 737 as follows:

Page 3, after line 3, insert:

"Sec. 3. Minnesota Statutes 1976, Section 3.088, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS AND EMPLOYEES TO PRESERVE PENSION AND RETIREMENT RIGHTS.] Any public officer or employee receiving leave of absence under this section or who is elected as a state constitutional officer and having rights in any state, municipal, or other public pension, retirement, or relief system shall retain all the rights accrued up to the time of taking leave. The time spent by the employee as a member of the legislature or as an elected city or county official or who is elected as a state constitutional officer shall be calculated in the same manner as if he had spent that time in the service of his public employer for the purpose of determining vesting of his rights in the employer's pension, retirement or relief system. Under no circumstances shall two governmental units pay the employee's share of pension contributions for that period on which he is on leave of absence to serve in the legislature or as an elected city or county official."

Renumber the sections in sequence

Amend the title as follows:

Line 6, after "2" insert ", 3"

Mr. Davies moved to amend S. F. No. 737 as follows:

Page 2, line 20, before the period insert "*and; (3) that the re-*

quest for reinstatement is made not later than 10 years after the granting of the leave"

S. F. No. 274, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 2, after line 31 insert:

"Sec. 2. [NATURAL RESOURCES; ADDITIONS TO AND DELETIONS FROM CERTAIN STATE PARKS.] *Subdivision 1. The lands described in this section are, as specified in this section, added to or deleted from the boundaries of the state parks designated in this section. The commissioner of administration for the commissioner of natural resources is authorized to acquire by gift, purchase, or, if authorized by law, by condemnation proceedings the lands as described which are added. Any land which now is or hereafter becomes tax-forfeited land and is located within the described park boundaries is withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state for such purposes and transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes. Any lands within the herein described boundaries which may be owned by the United States and managed by any of its agents may be acquired by land exchange, direct transfer, or purchase as federal laws may prescribe. The lands acquired pursuant to this section shall be administered in the same manner as provided for other state parks and shall be perpetually dedicated for such use.*

Subd. 2. [LAKE BEMIDJI STATE PARK ADDITIONS.] The following area is added to Lake Bemidji State Park:

The Northeast Quarter; the Northwest Quarter; the Southwest Quarter; the West Half of the Southeast Quarter; and the Northeast Quarter of the Southeast Quarter; all in Section 13, Township 147 North, Range 33 West.

The South Half of the Northeast Quarter of the Northeast Quarter; the Southeast Quarter of the Northeast Quarter; the East Half of the Southeast Quarter; and the South 200 feet of the Southwest Quarter of the Southeast Quarter except the West 20 rods; all in Section 14, Township 147 North, Range 33 West.

The East Half of the Southwest Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter; that part of the Southeast Quarter of the Southeast Quarter lying westerly of the westerly right-of-way of the Burlington Northern Railway; Government Lots 1, 2, 3, and 4; and that part of Government Lots 5 and 6 lying northeasterly of County State Aid Highway No. 19; all in Section 24, Township 147 North, Range 33 West.

Government Lot 4 and that part of Government Lots 2, 3, and 5 lying westerly of the westerly right-of-way of the Burlington Northern Railway; all in Section 19, Township 147 North, Range 32 West.

Subd. 3. [LAKE BRONSON STATE PARK; ADDITIONS AND DELETIONS.] (a) The following area is added to Lake Bronson State Park: Section 35 in Township 161 North, Range 46 West. (b) The following area is deleted from Lake Bronson State Park: The Northeast Quarter, the North half of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 26; the North Half of the Northeast Quarter, the Northwest Quarter, the North Half of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 27; all in Township 161 North, Range 46 West.

Subd. 4. [LAKE CARLOS STATE PARK; ADDITION.] The following area is added to Lake Carlos State Park: The South Half of the Southeast Quarter of Section 8, Township 129 North, Range 37 West.

Subd. 5. [INTERSTATE STATE PARK; ADDITION.] The following area is added to Interstate State Park: That part of the Southwest Quarter of the Southwest Quarter of Section 25, described as follows: Beginning at the southwest corner of Section 25; thence North, assumed bearing, along the west line of Section 25, a distance of 924.5 feet to a point on or near the center line of County Road No. 82; thence North 66 degrees 06 minutes 15 seconds East, along the line on or near said road center line, a distance of 36.2 feet, more or less, to the point of intersection with a line drawn parallel with and distant 33 feet East of the west line of Section 25; thence continuing North 66 degrees 06 minutes 15 seconds East, along said line on or near road center line, a distance of 120 feet; thence South 23 degrees 53 minutes 45 seconds East, a distance of 250 feet; thence North 66 degrees 06 minutes 15 seconds East, a distance of 490 feet; thence easterly along a line parallel with the south line of said Southwest Quarter of the Southwest Quarter, a distance of 580 feet, more or less, to the east line of said Southwest Quarter of the Southwest Quarter; thence southerly along said east line of the southeast corner of said Southwest Quarter of the Southwest Quarter; thence westerly along the south line of said Southwest Quarter of the Southwest Quarter to the southwest corner of Section 25 and the point of beginning; That part of the East half of the Southwest Quarter of Section 25 lying southerly of County Road 82 excepting therefrom the east 433 feet of the Northeast Quarter of the Southwest Quarter; all in Township 34 North, Range 19 West. All of Blocks 51, 108, 109, 110, 111, 112, 113, 114, and 115; Lots 14 to 23, inclusive of Block 50; Lots 9 to 20, inclusive of Block 107: Also the former right of way of the Northern Pacific Railway Company through Blocks 35, 116, 117, 118, 119, 120, 124, 125, 126, and 127; all in the town of Taylors Falls, Chisago County, according to the recorded plats of the town and addition, together with all streets, alleys, levees, and parks abutting on the property; All being located in the West Half of the

Southwest Quarter and Government Lot 1 of Section 25 and Government Lot 1 of Section 36 Township 34 North, Range 19 West.

Sec. 3. *This act is effective the day following final enactment.*"

Amend the title as follows:

Line 2, strike "McCarthy Beach state park" and insert "natural resources"

Line 2, strike "adding" and insert "authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto;"

Line 3, strike "certain lands to the park;"

S. F. No. 506, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 2, line 4, before the period, insert "*except any amounts that are carried forward to a subsequent year may be taken as a credit in such subsequent years*"

S. F. No. 845, which the committee recommends to pass with the following amendment offered by Mr. Johnson:

Strike everything after the enacting clause and insert:

"Section 1. Notwithstanding Minnesota Statutes, Section 123.32, or any other law to the contrary the high school attendance districts within St. Louis county Independent School District No. 710, Albrook, Cherry, Cook, Cotton, Meadowlands and Orr, shall each constitute a separate election district.

The school board of St. Louis county Independent School District No. 710 shall consist of six elected directors, one representing each election district. A director shall reside in the election district he represents.

Two directors shall be elected each year commencing in 1978. Directors representing the Orr and Albrook attendance districts shall be elected in 1978 and every three years thereafter; directors representing the Cotton and Meadowlands attendance districts, in 1979 and every three years thereafter; and directors representing the Cook and Cherry attendance districts, in 1980 and every three years thereafter. There shall be at least one polling place in each election district.

Except as provided in this section, the directors of the board of Independent School District No. 710 shall be elected and vacancies in those offices shall be filled in the manner provided by law for independent school districts.

S. F. No. 616 which the committee reports progress, subject to the following motions:

Mr. Keefe, S. moved to amend S. F. No. 616 as follows:

Page 11, line 5, after "*shall*" insert "*immediately*"

Page 11, line 6, strike "out of" and insert "*and that amount shall be deducted from the*"

The motion prevailed. So the amendment was adopted.

Mr. Kirchner moved to amend S. F. No. 616 as follows:

Page 2, line 12 after "thereon," insert "*excluding contracted service charges which may be deducted for a period not to exceed one year,*"

Page 3, line 5 after "thereon," insert "*excluding contracted service charges which may be deducted for a period not to exceed one year,*"

Page 3, line 21 after "sum" insert "*, excluding contracted service charges which may be deducted for a period not to exceed one year,*"

The motion prevailed. So the amendment was adopted.

Mr. Kirchner then moved to amend S. F. No. 616, as follows:

Page 4, line 32 after "superintendent," insert "*or such other person as specifically designated by its board of directors,*"

The motion prevailed. So the amendment was adopted.

S. F. No. 616 was then progressed.

S. F. No. 498, which the committee recommends to pass with the following amendment offered by Mr. Hanson:

Page 8, after line 5, insert

"Sec. 9. Minnesota Statutes 1976, Section 106.673, is amended to read:

106.673 [DITCHES, PLANTING WITH PERMANENT GRASS.] In any proceeding for the establishment or construction of a public drainage system or ditch or for the improvement, extension, or other work affecting such system or ditch under chapters 106, 111, 112, or any other law now in force or hereafter enacted, where viewers are appointed to assess benefits and damages, the authority having jurisdiction of the proceeding, shall order the spreading of spoil banks consistent with the plan and function of the ditch and *may shall* order the planting of a permanent grass, other than a noxious weed, on the banks and on a strip one rod in width or to the crown of the leveled spoil bank whichever is the greater on each side of the top edge of the channel of the ditch. The acreage which will be required is that needed for the foregoing and authority having jurisdiction shall acquire the additional interests in land needed for this purpose. No agricultural practices, other than those required for the maintenance of a permanent growth of grass, shall be permitted on any portion of the land acquired for this purpose and it shall be the duty of the authority having jurisdiction over the repair and maintenance of the ditch system to supervise all necessary reseeding and funds *may shall* be expended for the perpetration of the growth of grass in the same manner as for the other ditch repairs. Harvest of grass from the

grass strip in any manner not harmful to the grass or ditch shall be the privilege of the fee owner or his assigns, subject to such regulations as the county ditch inspector shall establish for the harvesting of grass."

Renumber the remaining section

Amend the title as follows:

Line 13, after "7;" strike "and"

Line 13, after "2;" insert "106.673;"

S. F. No. 191, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 4, line 29, strike "*or by the death of that parent*"

Page 5, line 12, strike "*or by the death of that parent*"

Page 5, line 18, strike "*The death of a parent*" and insert "*Notwithstanding the provisions of subdivisions 3 and 4, if a parent named on the original birth certificate of an adopted person has died, and at any time prior to his death the parent has filed an unrevoked affidavit with the state registrar stating that the information on the original birth certificate shall not be released, the adopted person may petition the court of original jurisdiction of the adoption proceeding for disclosure of his original birth certificate pursuant to section 259.31. The court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.*"

Page 5, strike lines 19 to 22

S. F. No. 617, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 3, line 7, after "*Minnesota*" insert "*who has not previously attended a peace officers training course*"

Page 3, line 8, after "*appointment*" insert "*or of the effective date of this act*"

S. F. No. 96, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Page 2, line 28, strike "he receives" and insert "you receive"

S. F. No. 411, which the committee recommends to pass with the following amendments offered by Messrs. Sikorski and Frederick:

Mr. Sikorski moved to amend S. F. No. 411 as follows:

Page 8, line 10, after the period, insert "*An elected or appointed town constable who takes office on or after July 1, 1978, shall be licensed by the board in respect to his term of office as if he has met the pre-service and licensing requirements of the board, but he must satisfy renewal requirements of the board during his term of elected office.*"

Page 10, line 18, strike the first "2" and insert "4"

Mr. Frederick moved to amend S. F. No. 411 as follows:

Page 8, line 6, strike "*prior to that date*" and insert "*, in effect on June 30, 1977,*"

S. F. No. 543 which the committee reports progress, subject to the following motion:

Mr. Vega moved to amend S. F. No. 543 as follows:

Page 2, line 25, strike "general northerly"

Page 2, line 26, strike "direction"

Page 2, line 28, strike "*through the city of St. Paul; thence extending in a*"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend S. F. No. 543 as follows:

Page 2, line 29, after "direction" insert "*through the city of St. Paul*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 9 and nays 41, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Dunn	Frederick	Ueland, A.
Bang	Brataas	Engler	Renneke	

Those who voted in the negative were:

Anderson	Johnson	Moe	Schrom	Stumpf
Coleman	Keefe, S.	Nelson	Setzepfandt	Ulland, J.
Davies	Kleinbaum	Olhoft	Sieloff	Vega
Dieterich	Laufenburger	Olson	Sikorski	Wegener
Gearty	Lessard	Penny	Sillers	Willet
Gunderson	Lewis	Perpich	Spear	
Hanson	Luther	Peterson	Staples	
Hughes	McCutcheon	Schaaf	Stokowski	
Humphrey	Merriam	Schmitz	Strand	

The motion did not prevail. So the amendment was not adopted.

S. F. No. 543 was then progressed.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Laufenburger moved that S. F. No. 1450 be withdrawn from the Committee on Commerce and re-referred to the Committee on Employment. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, April 25, 1977.

Patrick E. Flahaven, Secretary of the Senate

FORTIETH DAY

St. Paul, Minnesota, Monday, April 25, 1977

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Frederick	Lewis	Perpich	Stokowski
Ashbach	Gearty	Luther	Peterson	Stumpf
Bang	Gunderson	Milton	Pillsbury	Ueland, A.
Brataas	Humphrey	Moe	Purfeerst	Ulland, J.
Chmielewski	Jensen	Ogdahl	Schmitz	Vega
Coleman	Johnson	Olhoft	Schrom	Wegener
Dunn	Keefe, S.	Olson	Setzepfandt	Willet
Engler	Laufenburger	Penny	Staples	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. David P. Rebeck.

The roll was called, and the following Senators answered to their names:

Anderson	Gearty	Lessard	Peterson	Staples
Ashbach	Gunderson	Lewis	Pillsbury	Stokowski
Bang	Hanson	Luther	Purfeerst	Strand
Bernhagen	Hughes	McCutcheon	Renneke	Stumpf
Brataas	Humphrey	Merriam	Schaaf	Tennessee
Chenoweth	Jensen	Milton	Schmitz	Ueland, A.
Chmielewski	Johnson	Moe	Schrom	Ulland, J.
Coleman	Keefe, J.	Nelson	Setzepfandt	Vega
Davies	Keefe, S.	Ogdahl	Sieloff	Wegener
Dieterich	Kleinbaum	Olhoft	Sikorski	Willet
Dunn	Knoll	Olson	Sillers	
Engler	Knutson	Penny	Solon	
Frederick	Laufenburger	Perpich	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

Messrs. Benedict, Borden, Menning, and Nichols were excused

from the Session of today. Messrs. Kleinbaum and Knoll were excused from the early part of today's Session.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Laufenburger introduced—

S. F. No. 1458: A bill for an act relating to highway traffic regulations; providing a penalty for inattentive operation of a motor vehicle; amending Minnesota Statutes 1976, Section 169.13, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Keefe, S. introduced—

S. F. No. 1459: A bill for an act relating to taxation; sales tax; simplifying returns for certain taxpayers; amending Minnesota Statutes 1976, Section 297A.27, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Keefe, S. introduced—

S. F. No. 1460: A bill for an act relating to employment services; authorizing the release of information to certain state agencies; amending Minnesota Statutes 1976, Section 268.12, Subdivision 12.

Referred to the Committee on Employment. Mr. Tennesen questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Milton, Hughes and Vega introduced—

S. F. No. 1461: A bill for an act relating to health care; requiring certain insurance policies, health care plans and group subscriber contracts to provide certain benefits for residential non-hospital treatment of adults with mental illness problems; amending Minnesota Statutes 1976, Section 62A.149.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S. F. No. 1462: A bill for an act relating to education; Indian scholarships; directing the higher education coordinating board to

establish the Minnesota Indian scholarship council; appropriating money.

Referred to the Committee on Education.

Messrs. Benedict, Schaaf and Luther introduced—

S. F. No. 1463: A bill for an act relating to pollution control; authorizing the pollution control agency to provide emergency removal of certain pollutant discharges; allowing recovery of costs; establishing an emergency clean-up account in the general fund; appropriating money; amending Minnesota Statutes 1976, Section 116.11.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Solon, Chenoweth and Dieterich introduced—

S. F. No. 1464: A bill for an act relating to charitable trusts; regulating the solicitation of charitable funds; clarifying and revising registration, filing and reporting requirements; coordinating charitable solicitations with general trust provisions; defining terms; amending Minnesota Statutes 1976, Sections 309.50, Subdivisions 3, 4 and 10; 309.515, Subdivision 1; 309.52, Subdivision 4; 309.53, Subdivisions 1a, 3 and 4; 309.532, Subdivisions 1 and 2; 309.555, Subdivisions 1, 2 and 3, and by adding a subdivision; 501.72; 501.74; 501.75; 501.76; 501.77; 501.78, Subdivisions 1, 2 and 4; 501.79, Subdivision 5; 501.81; and Chapter 525, by adding a section; repealing Minnesota Statutes 1976, Section 501.79, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Vega, Nelson, Chmielewski, Milton and Perpich introduced—

S. F. No. 1465: A bill for an act relating to public welfare; mandating the working of certain general assistance recipients; allowing the use of general assistance funds for the work equity program; empowering the commissioner of public welfare to contract for recipient services and grant distribution; amending Minnesota Statutes 1976, Sections 256D.02, by adding subdivisions; 256D.04; 256D.06, by adding a subdivision; and 256D.11, Subdivisions 1 and 4, and by adding subdivisions.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Menning, Gearty, Kleinbaum, Sieloff and Keefe, J. introduced—

S. F. No. 1466: A bill for an act relating to education; permitting

six school districts to implement and experiment with an educational grant system; permitting both public and nonpublic schools to participate; permitting participating school districts to contract for other funds; establishing guidelines for school participation; providing demonstration boards to administer, regulate, test and report the operation of the program; appropriating money.

Referred to the Committee on Education.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the reports on S. F. Nos. 1174, 1037, 677, 1085 and 1418 be now adopted. The motion prevailed.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1165: A bill for an act relating to natural resources; state parks; requiring compatible uses of private lands within state parks; providing the commissioner of natural resources with authority to enforce compatible use standards; providing for the acquisition of private land within parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, before "LANDS" insert "COMPATIBLE USES OF"

Page 1, strike lines 14 to 21

Page 1, line 22, strike "*Subd. 2. [COMPATIBLE USES.]*"

Renumber the remaining subdivisions.

Page 2, line 7, strike everything after "*land*" and insert "*; provided that construction, repair or replacement of*"

Page 2, line 9, after "*or*" insert "*a*"

Page 2, line 9, strike "*homes, constituting an existing compatible*" and insert "*house or appurtenant structures*"

Page 2, line 10, strike "*use, their repair or replacement*"

Page 2, line 13, strike "*or*" and after "*condition*" insert "*, or pursuant to a logging plan approved by the commissioner*"

Page 3, line 19, after the period insert "*Upon notification by any landowner or landowner's estate that a parcel of land within a state park boundary is subject to acquisition by the commissioner under this section, the commissioner shall notify the owner or estate within 60 days in writing of the intention to acquire the parcel, or this subdivision shall not apply to the sale or other transfer of that parcel.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1018: A bill for an act relating to state lands; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Houston county.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, strike "In the process of acquiring real property for the"

Page 1, strike lines 10 to 15

Page 1, line 16, strike "for. In order to correct this error,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1137: A bill for an act relating to chiropractic; further defining the practice of chiropractic; amending Minnesota Statutes 1976, Sections 148.01, Subdivision 3; and 148.08, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 148.01, Subdivision 3, is amended to read:

Subd. 3. Chiropractic practice includes *blood withdrawal and analysis, physical examination as it relates to chiropractic conditions, and those non-invasive means of clinical, physical, and laboratory measures and analytical x-ray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition. The practice of chiropractic may include procedures which are used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment. The procedures may not be used as independent therapies or separately from chiropractic adjustment. No device which utilizes heat or sound shall be used in the treatment of a chiropractic condition unless it has been approved by the Federal Communications Commission.*

No device shall be used above the neck of the patient. Any chiropractor who utilizes procedures in violation of this subdivision shall be guilty of professional misconduct and subject to disciplinary procedures pursuant to section 148.10."

Amend the title as follows:

Page 1, line 4, strike "Sections" and insert "Section"

Page 1, line 4, strike "; and " and insert a period

Page 1, strike line 5

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1334: A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Section 252.27, Subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10 insert:

"Section 1. Minnesota Statutes 1976, Section 246.51, is amended to read:

246.51 [PAYMENT FOR CARE AND TREATMENT; DETERMINATION.] The commissioner shall make such investigation as he deems necessary and determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the commissioner finds that the patient is unable to pay the full cost of care he shall make a determination as to the ability of the relatives to pay provided, however, that in no case shall the relatives, unless they reside outside the state, be ordered to pay more for each patient than ten percent of the cost of care but not to exceed ~~€€~~ \$125 per month but voluntary payments in excess thereof may be accepted by the commissioner. In the case of nonresident parents of children receiving care in state hospitals in Minnesota, the commissioner may require payment of the full per capita cost of caring for such patients. No parent shall be liable for the cost of care given a patient at a state hospital after such patient has reached the age of 18 years. Such determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as hereinafter provided. All money received shall be paid to the state treasurer and placed in the general fund and a separate account kept thereof. Responsibility under this section shall not apply to those relatives ~~earning~~ *having gross earnings of less than \$4,000 \$11,000 per year.*"

Page 1, line 15, after "handicapped" insert "*or who has cerebral palsy*"

Page 2, line 10, strike "or other"

Page 2, line 12, strike "or" and insert "*and*"

Page 2, line 18, after the period insert: "*Responsibility of the parents and the child for the cost of care shall be ten percent of the cost of care up to a maximum of \$125 per month.*"

Page 2, line 26, after the period insert: "*In the case of nonresident parents of children receiving care under the provisions of this section, the commissioner may require payment of the full cost*

of caring for such children. Such determination shall be conclusive in any action to enforce payment of the cost of care. Appeal from the commissioner's determination shall be made pursuant to section 246.55."

Page 2, after line 26, insert:

"Sec. 4. The commissioner is authorized to promulgate an emergency rule to implement sections 1 to 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, strike "Section" and insert "Sections 246.51; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1350: A bill for an act relating to nursing assistant training; providing for a report to the legislature by the state board of health; delaying implementation of certain training requirements; amending Minnesota Statutes 1976, Section 144A.61, Subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1390: A bill for an act relating to public welfare; local mental health programs; authorizing counties bordering on economic development regions to obtain mental health services from adjacent regions; amending Minnesota Statutes 1976, Chapter 245, by adding a section.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was re-referred

S. F. No. 959: A bill for an act relating to health care plans; requiring minimum anticipated loss ratios for certain insurance plans; eliminating certain open enrollment requirements for non-profit health service plans; revising the Minnesota comprehensive health insurance act of 1976; making necessary improvements and corrections; further prescribing the powers and duties of the commissioner of insurance; amending Minnesota Statutes 1976, Sections 62A.02, Subdivision 3; 62D.10, Subdivision 1; 62E.02, Subdivisions 2, 8, 11 and 21; 62E.03, Subdivision 2; 62E.04, Subdivision 4; 62E.06; 62E.09; 62E.10, Subdivisions 1 and 3; 62E.11, Subdivision 5; 62E.13, Subdivisions 2 and 4; and 62E.14, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, strike line 11 and insert "*applicants for a policy shall be informed in writing at the time of application of the anticipated loss ratio*"

Page 3, after line 7, insert:

"Sec. 2. Minnesota Statutes 1976, Section 62A.17, Subdivision 6, is amended to read:

Subd. 6. [CONVERSION TO INDIVIDUAL POLICY.] A group insurance policy that provides post termination coverage as required by this section shall also include a provision allowing a covered employee or surviving spouse or dependent at the expiration of the post termination coverage provided by subdivision 2 to obtain from the insurer offering the group policy or group subscriber contract, at the employee's, spouse's or dependent's option and expense, without further evidence of insurability and without interruption of coverage, an individual policy of insurance or an individual subscriber contract providing coverage which is similar to or greater than the hospital or medical expense protection afforded to the employee, the spouse and his dependents by the group policy or contract at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, and a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3. A policy providing reduced benefits at a reduced premium rate may be accepted by the employee, the spouse or a dependent in lieu of the optional coverage otherwise required by this subdivision.

The individual policy shall be guaranteed renewable at the option of the individual as long as the individual is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual policy shall apply to the covered person's original age at entry, and shall apply equally to all similar policies issued by the insurer."

Page 4, line 10, after "(4)" strike "sold by fraternal and provides" and insert "*designed solely to provide*"

Page 4, line 14, strike "or"

Page 4, line 15, after "62A.11" insert " , or (8) *accident only coverage issued by licensed and tested insurance agents or solicitors which provides reasonable benefits in relation to the cost of covered services*"

Page 4, line 16, strike everything except the period and insert "*provisions of clause (4) shall not apply to hospital indemnity coverage which is sold by an insurer to an applicant who is not then currently covered by a qualified plan*"

Page 5, line 16, after the stricken "include" insert "affirmatively"

Page 5, line 17, strike "or renewal" and insert "unqualified policy at the time of application and annually to every holder of an"

Page 5, after line 25, insert:

"Sec. 10. Minnesota Statutes 1976, Section 62E.04, is amended by adding a subdivision to read:

Subd. 8. No policy of accident and health insurance issued or renewed after August 1, 1977, shall contain any provision denying or reducing benefits because services are rendered to an insured or dependent who is eligible for or receiving benefits pursuant to chapter 256B, chapter 256D, or sections 63E.51 to 62E.55."

Page 6, after line 11, insert "*The \$3,000 limitation on total annual out-of-pocket expenses and the \$250,000 maximum lifetime benefit shall not be subject to change or substitution by use of an actuarially equivalent benefit.*"

Page 10, line 21, strike "exercise emergency" and insert "adopt emergency rules"

Page 10, strike the new language on lines 22 to 28

Page 10, line 32, strike "PROPERTY"

Page 11, line 13, after "insurance" insert ", self-insurance, or health maintenance organization"

Page 11, after line 15, insert:

"Sec. 15. Minnesota Statutes 1976, Section 62E.10, Subdivision 7, is amended to read:

Subd. 7. [GENERAL POWERS.] The association may:

(a) Exercise the powers granted to insurers under the laws of this state;

(b) Sue or be sued;

(c) Enter into contracts with insurers, similar associations in other states or with other persons for the performance of administrative functions including the functions provided for in clauses (e) and (f);

(d) Establish administrative and accounting procedures for the operation of the association;

(e) Provide for the reinsuring of risks incurred as a result of issuing the coverages required by sections 62E.04 and 62E.16 by members of the association. Each member which elects to reinsure its required risks shall determine the categories of coverage it elects to reinsure in the association. The categories of coverage are:

(1) Individual qualified plans, excluding group conversions;

(2) Group conversions;

(3) Group qualified plans with fewer than 50 employees or members; and

(4) Major medical coverage.

A separate election may be made for each category of coverage. If a member elects to reinsure the risks of a category of coverage, it must reinsure the risk of the coverage of every life covered under every policy issued in that category. *A member electing to reinsure risks of a category of coverage shall enter into a contract with the association establishing a reinsurance plan for the risks. This contract may include provision for the pooling of members' risks reinsured through the association and it may provide for assessment of each member reinsuring risks for losses and operating and administrative expenses incurred, or estimated to be incurred in the operation of the reinsurance plan. This reinsurance plan shall be approved by the commissioner before it is effective.* Members electing to administer the risks which are reinsured in the association shall comply with the benefit determination guidelines and accounting procedures established by the association. The fee charged by the association for the reinsurance of risks shall not be less than 110 percent of the total anticipated expenses incurred by the association for the reinsurance; and

(f) Provide for the administration by the association of policies which are reinsured pursuant to clause (e). Each member electing to reinsure one or more categories of coverage in the association may elect to have the association administer the categories of coverage on the member's behalf. If a member elects to have the association administer the categories of coverage, it must do so for every life covered under every policy issued in that category. The fee for the administration shall not be less than 110 percent of the total anticipated expenses incurred by the association for the administration."

Page 13, line 1, strike "shall" and insert "may"

Page 14, after line 9, insert:

"Sec. 20. Minnesota Statutes 1976, Section 62E.52, Subdivision 3, is amended to read:

Subd. 3. "Qualified expense" means any charge incurred subsequent to July 1, 1977 for a health service which is (1) included in the list of covered services described in section 62E.06, subdivision 1, or (2) for the treatment of hemophilia, including blood and blood derivatives, and for which no third party is liable.

Sec. 21. Minnesota Statutes 1976, Section 62E.53, is amended to read:

62E.53 [APPLICATION FOR ASSISTANCE.] Subdivision 1. Any person who believes that ~~they are~~ *he is* or will become an eligible person may submit an application for state assistance to the commissioner. The application shall include a listing of expenses incurred prior to the date of the application and shall designate the date on which the 12 month period for computing expenses began.

Subd. 2. If the commissioner determines that an applicant is an eligible person, he shall pay 90 percent of all qualified expenses of the eligible person and his dependents in excess of:

(a) 40 percent of his household income under \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000; or

(b) \$2,500;

whichever is greater for the 12 month period in which the applicant becomes an eligible person.

Subd. 3. The commissioner shall by rule establish procedures for determining whether and to what extent qualified expenses are reasonable charges. Unless otherwise provided for by rule charges shall be reviewed for reasonableness by the same procedures used to review and limit reimbursement under the provisions of chapter 256B. If the commissioner determines that the charge for a health service is excessive, he may limit his payment to the usual and customary reasonable charge for that service. If the commissioner determines that a health service provided to an eligible person was not medically necessary, he may refuse to pay for the service. To the extent feasible, The commissioner shall may contract with a review organization as defined in section 145.61, in making any determinations as to whether or not a charge is excessive. To the extent feasible, the commissioner shall contract with a review organization as defined in section 145.61, and in making any determination as to whether or not a service was medically necessary. If the commissioner in accordance with this section refuses to pay all or a part of the charge for a health service, the unpaid portion of the charge shall be deemed to be an unconscionable fee, against the public policy of this state, and unenforceable in any action brought for the recovery of moneys owed.

Sec. 22. Minnesota Statutes 1976, Chapter 62E, is amended by adding a section to read:

[62E.531] [THIRD PARTY LIABILITY.] *Subdivision 1. When the commissioner pays for or becomes liable for payments for health services under the provisions of sections 62E.51 to 62E.55, the department of public welfare shall have a lien for payments and liabilities for the services upon any and all causes of action which accrue to the person to whom the services were furnished, or to his legal representatives, as a result of injuries which directly or indirectly led to the incurring of qualified expenses.*

The department may perfect and enforce its lien by following the procedures set forth in sections 514.69, 514.70, and 514.71, except that it shall have one year from the date when the last item of health service was furnished in which to file its verified lien statement. The statement shall be filed with the appropriate clerk of court in the county in which the recipient of the services resides or in the county in which the action was filed.

Subd. 2. Where a third party may be liable in whole or in part for payment for health services, the commissioner may consider the charges for the health services to be qualified expenses if the eligible person assigns any rights accruing by virtue

of any third party liability to the commissioner to the extent necessary to reimburse the state for any payments made under the provisions of this section.

Subd. 3. Upon furnishing assistance under the provisions of sections 62E.51 to 62E.55, the department of public welfare shall be subrogated, to the extent of its payments for health services, to any rights the eligible person or his dependent may have under the terms of any plan of health coverage as defined in section 62E.02, subdivision 9. The right of subrogation shall not attach prior to written notice of the exercise of subrogation rights to the issuer of the plan of health coverage.

The attorney general, or the appropriate county attorney, acting upon direction from the attorney general, may institute or join a civil action against the issuer of the plan of health coverage to recover under this subdivision.

Sec. 23. Minnesota Statutes 1976, Section 62E.54, Subdivision 1, is amended to read:

62E.54 [DUTIES OF COMMISSIONER.] Subdivision 1. The commissioner shall:

(a) Promulgate reasonable rules, including emergency rules, to implement sections 62E.51 to 62E.55.

(b) Establish application forms and procedures for the use of persons seeking to be declared an eligible person; and

(c) Investigate applications to determine whether or not the applicant is a qualified person and investigate claims from providers of health services to determine whether or not to pay them.

Sec. 24. Minnesota Statutes 1976, Section 256B.02, Subdivision 8, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

- (1) Inpatient hospital services.
- (2) Skilled nursing home services.
- (3) Physicians' services.
- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.
- (7) Physical therapy and related services.
- (8) Dental services.
- (9) Laboratory and x-ray services.
- (10) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices.

(11) Diagnostic, screening, and preventive services.

(12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

(13) Transportation costs incurred solely for obtaining medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services.

(14) Any other medical or remedial care licensed and recognized under state law.

Provided, however, that "medical assistance" or "medical care" excludes costs which are incurred in obtaining and providing experimental surgery and elective or cosmetic surgery which is primarily intended to correct a psychological condition."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "1976;" insert "revising the Minnesota catastrophic health expense protection act of 1976;"

Page 1, line 10, after "insurance;" insert "further prescribing the powers and duties of the commissioner of public welfare; providing a limitation on medical assistance;"

Page 1, line 11, after "3;" insert "62A.17, Subdivision 6;"

Page 1, line 13, after "Subdivision 4" insert ", and by adding a subdivision"

Page 1, line 14, strike "and 3" and insert "3, and 7"

Page 1, line 16, strike "and"

Page 1, line 16, before the period, insert "; 62E.52, Subdivision 3; 62E.53; 62E.54, Subdivision 1; 256B.02, Subdivision 8; and Chapter 62E, by adding a section"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1120: A bill for an act relating to public waters; their classification and drainage; providing for venue of certain actions involving the commissioner of natural resources; amending Minnesota Statutes 1976, Chapter 105, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, strike "water basins" and insert "waterbasins"

Page 1, line 20, strike "water basin" and insert "waterbasin"

Page 1, line 21, strike "water basin" and insert "waterbasin"

Page 1, line 23, strike "*water basin*" and insert "*waterbasin*"

Page 1, line 23, at the end of the line, after "*water*" insert a hyphen

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1022: A bill for an act relating to the county of Dakota; providing for sheriff's civil service commissioners.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was re-referred

S. F. No. 627: A bill for an act relating to public indebtedness; interest rates on obligations and special assessments; amending Minnesota Statutes 1976, Sections 429.061, Subdivision 2; and 475.55, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 32, after "*levied*" insert "*if the interest rate on the bonds is over seven percent*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1174: A bill for an act relating to the city of Mankato; authorizing residential property rehabilitation loans and grants and authorizing the issuance of bonds for acquisition and betterment of a municipal fire hall and city hall.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 17 to 23

Page 2, strike lines 1 to 14

Re-number the remaining section

Amend the title as follows:

Page 1, line 4, insert a period after "*grants*" and strike "*and authorizing the issuance of bonds for*"

Strike lines 5 and 6

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Anderson questioned the reference thereon

and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was re-referred

S. F. No. 677: A bill for an act relating to counties; prohibiting counties from publishing the names and salaries of county employees; amending Minnesota Statutes 1976, Section 375.17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, strike "*shall not*" and insert "*may*"

Page 2, line 13, after "*of*" insert "*non-elected*"

Page 2, line 15, after "*salaries*" insert "*by department and elected officials*"

Amend the title as follows:

Page 1, line 2, strike "*prohibiting*" and insert "*permitting*"

Page 1, line 2, strike "*from*" and insert "*to*"

Page 1, line 3, strike "*publishing*" and insert "*publish*"

And when so amended the bill do pass. Mr. Tennessen questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 734: A bill for an act relating to counties; providing for business days and hours for county offices and emergency closings; amending Minnesota Statutes 1976, Section 373.052.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. 1085: A bill for an act relating to the city of Marshall; authorizing the issuance of general obligation airport bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "*no election shall be required*" and insert "*in authorizing the bonds, the city council shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper. The bonds so authorized may be issued without the submission of the question of their issuance to the electors unless within 30 days after the second publication of the resolution a petition requesting an election signed by more than five percent*"

of the qualified electors voting in the city at the last general election is filed with the city clerk. In the event a petition is filed, no bonds shall be issued under this subdivision unless authorized by a majority of the voters of the city voting on the question."

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1418: A bill for an act relating to bodies of water; allowing counties to exercise certain functions with approval of district; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 952: A bill for an act changing the boundary line between Lac qui Parle county and Big Stone county; amending Laws 1937, Chapter 423, Section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "hereby is" and insert "*shall be*"

Page 1, line 12, before the period insert "*upon a favorable vote of a majority of the voters of Big Stone county and Lac qui Parle county voting on the question at the next general election pursuant to Article XII, Section 3, of the Minnesota Constitution*"

Amend the title as follows:

Page 1, strike line 2

Page 1, line 3, strike "county and Big Stone county" and insert "relating to Lac qui Parle and Big Stone counties; changing the boundary lines between the counties"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1360: A bill for an act relating to outdoor recreation; appropriating money for acquisition of parks, trails, wildlife lands and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Section 473.315, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [NATURAL RESOURCES; OUTDOOR RECREATION; APPROPRIATION FOR LAND ACQUISITION AND BETTERMENT.] *Subdivision 1. There are appropriated from the Minnesota state building fund to the commissioner of natural resources the sums of money set forth in this section, for the acquisition and betterment of public outdoor recreation lands and capital improvements as more specifically described in subdivisions 2 to 9.*

All acquisition shall be in accordance with the policies established in sections 86A.01 to 86A.09. Lands acquired for a unit of the outdoor recreation system shall be suited to accomplish the purposes for which the unit is established and suited to be managed in accordance with the management principles applicable to the unit. Lands shall be acquired by the commissioner of administration for the commissioner of natural resources where provided by law.

TOTAL APPROPRIATED: \$24,000,000

Subd. 2. For acquisition of state parks and recreation areas, as listed and described in sections 85.012 and 85.013. \$7,783,000

First priority for acquisitions shall be given to land within existing statutory boundaries where the property is needed for immediate development in order to accomplish the purposes for which the unit is authorized, or where the anticipated use of the property is incompatible with the purposes for which the unit is authorized, or where the market value of comparable property in vicinity of the property to be acquired has risen more than ten percent in each of the previous two years.

Subd. 3. For acquisition of state trails, as listed and described in section 85.015, and pursuant to section 84.029, subdivision 2. \$1,805,000. For betterment of such trails. \$2,000,000

No further expenditure of funds for development of the Luce Line Trail shall be made until the commissioner of natural resources has prepared a comprehensive fiscal management plan covering all costs associated with development of the trail, submitted the plan to the full house environment and natural resources committee, the full house appropriations committee, the full senate agriculture and natural resources committee and the full senate finance committee for the purpose of consultation, and received their recommendations thereon. The recommendations shall be advisory only.

Subd. 4. For acquisition of state forests, as listed and described in section 89.021. \$2,760,000

Priority shall first be given to acquiring the remaining lands

in the Sand Dunes and Memorial Hardwood state forests and then to lands particularly suited for use as state forest campgrounds or day use areas and to lands within state forests that possess outstanding natural or scenic values, forest growth, lake or river shoreland, or rare and distinctive species of flora and fauna native to the area, that should be preserved for the benefit of the public.

Subd. 5. For acquisition of fishing management lands, comprising lands and riparian rights and other interests therein needed for management of waters for primary wildlife use and benefit and for access to fishing waters pursuant to section 97.48, subdivisions 8, 11 and 15. \$1,008,000

Subd. 6. For acquisition of state wildlife management areas, acquired pursuant to section 97.48, subdivision 13 or section 97.481. \$1,500,000. For betterment and management of such areas \$1,500,000

Acquisition shall be limited to wildlife lands and waters that are of high priority because they are critical to the functioning of a unit already in public ownership, or are threatened with development that is incompatible with preservation of the area for wildlife management, or are situated in an area where the market value of comparable property has risen more than ten percent in each of the previous two years, and that can be acquired from a willing seller.

Subd. 7. For acquisition of wild, scenic and recreational rivers, designated pursuant to sections 104.25 to 104.40, and canoe and boating routes, portages, and camp sites, as listed and described in section 85.32. \$1,706,000

Subd. 8. For acquisition of scientific and natural areas designated pursuant to section 84.033. \$338,000

Subd. 9. For costs of staff and independent professional services necessary to the acquisition and betterment of such lands and improvements. \$3,600,000

Sec. 2. [APPROPRIATION FOR METROPOLITAN PARKS AND TRAILS.] *\$11,684,667 is appropriated from the Minnesota state building fund to the director of the state planning agency for transfer and reappropriation to the metropolitan council established under section 473.123. The funds shall be transferred to the metropolitan council upon receipt by the agency of a resolution of the council requesting transfer. The funds shall be used to pay the cost of the acquisition by the metropolitan council and local government units of regional recreation open space in accordance with the council's policy plan, as provided in sections 473.301 to 473.341. The funds shall be available for payment of relocation costs and tax equivalents required in sections 473.315 and 473.341. Of the amount appropriated by this section, the metropolitan council may expend no more than \$200,000 for staff and independent professional services necessary for the acquisition of such open space and for the performance of duties of the metropolitan council under this section and sections 6, 7 and 9.*

Sec. 3. [160.265] [BICYCLE TRAIL PROGRAM.] *The commissioner of transportation shall establish a program for the development of bicycle trails primarily on existing road rights of way. The program shall include a system of bicycle trails to be established, developed, maintained, and operated by the department of transportation and a system of state grants for the development of local bicycle trails primarily on existing road rights of way. The program shall be coordinated with the development of the statewide transportation plan pursuant to section 174.03, with the bicycle trail program established by the department of natural resources pursuant to section 85.016, with the local park trail grant program established by the state planning agency pursuant to section 7 of this act, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. The program shall be developed after consultation with the state trail council, local units of government, and bicyclist organizations. The commissioner shall provide technical assistance to local units of government in planning and developing bicycle trails. The program shall be administered in accordance with the provisions of sections 160.262 to 160.264 and standards promulgated pursuant thereto. The commissioner shall compile and maintain a current registry of bicycle trails in the state and shall publish and distribute the information contained in the registry in a form and manner suitable to assist persons wishing to use the trails. The metropolitan council, the commissioner of natural resources, the state planning agency, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner of transportation in preparing the registry. The commissioner shall have all powers necessary and convenient to establish the program pursuant to this section including but not limited to the authority to adopt rules and regulations, pursuant to chapter 15, and emergency rules and regulations to commence immediately the grant program, pursuant to section 15.0412. "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264.*

Sec. 4. Minnesota Statutes 1976, Section 85.016, is amended to read:

85.016 [BICYCLE TRAIL PROGRAM.] *The commissioner of natural resources shall develop establish a program for an interconnecting statewide system the development of bicycle trails utilizing both the state trails authorized by section 85.015, other state parks and recreation land, and state forests and existing and proposed local bicycle trails. The program shall be coordinated with the bicycle trail program established by the department of transportation pursuant to section 3 of this act, with the local park trail grant program established by the state planning agency pursuant to section 7 of this act, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. In addition The commissioner shall provide technical assistance to*

local units of government in planning and developing bicycle trail systems trails in local parks . The state bicycle trail program shall, as a minimum, describe the location, design, construction, maintenance and land acquisition needs of each component trail and shall give due consideration to the model standards for the establishment of recreational vehicle lanes promulgated by the commissioner of transportation pursuant to section 160.262. The program shall include a proposal for a system of state aid to localities. The proposal for a system of state aid to localities shall include a provision that the amount of aid apportioned to a locality will depend, in part, upon the numbers of bicycles registered in the locality. The program shall be developed after consultation with the state trail council and regional and local units of government and bicyclists organizations. "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264.

Sec. 5. Minnesota Statutes 1976, Chapter 85, is amended by adding a section to read:

[85.017] [TRAIL REGISTRY.] *The commissioner of natural resources shall compile and maintain a current registry of cross-country skiing, hiking, horseback riding and snowmobiling trails in the state and shall publish and distribute the information in the manner prescribed in section 86A.11. The metropolitan council, the state planning agency, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner in preparing the registry.*

Sec. 6. [APPROPRIATION FOR TRAIL ACQUISITION AND BETTERMENT.] *Subdivision 1. There is appropriated from the Minnesota state building fund \$7,300,000 for trail acquisition and betterment programs as more specifically provided in subdivisions 2 to 5.*

Subd. 2. [DEPARTMENT OF NATURAL RESOURCES.] \$1,300,000 is appropriated from the Minnesota state building fund to the commissioner of natural resources for the betterment of public land and improvements needed for trails for skiing, hiking, and bicycling within state parks and recreation areas as listed and described in sections 85.012 and 85.013 and state forests, as listed and described in section 89.021. Of this amount, not more than 15 percent may be expended by the commissioner for costs of staff and independent professional services necessary for the betterment of such land and improvements.

Subd. 3. [METROPOLITAN COUNCIL; TRAIL CORRIDORS.] \$1,100,000 is appropriated from the Minnesota state building fund to the director of the state planning agency for transfer and reappropriation to the metropolitan council established under section 473.123. The funds shall be transferred to the metropolitan council upon receipt by the agency of a resolution of the council requesting transfer. The funds shall be used to pay the cost of acquisition and betterment by the metropolitan council and local government units of public land and improvements needed for

regional trails and trail corridors situated outside of regional parks and park reserves, in accordance with the council's policy plan, as provided in sections 473.301 to 473.341. The funds shall be available for payment of relocation costs and tax equivalents required in sections 473.315 and 473.341.

Subd. 4. [METROPOLITAN COUNCIL; PARK TRAILS.] \$2,200,000 is appropriated from the Minnesota state building fund to the director of the state planning agency for transfer and reappropriation to the metropolitan council established under section 473.123. The funds shall be transferred to the metropolitan council upon receipt by the agency of a resolution of the council requesting transfer. The funds shall be used to pay the cost of betterment by the metropolitan council and local government units of public land and improvements needed for trails situated within regional parks and park reserves in accordance with the council's policy plan, as provided in sections 473.301 to 473.341, provided however that none of the funds may be used for acquisition of land, for relocation payments under section 473.315, or for tax equivalents under section 473.341.

Subd. 5. [DEPARTMENT OF TRANSPORTATION.] There is appropriated from the Minnesota state building fund to the commissioner of the department of transportation \$2,700,000 for betterment of public land and improvements needed for bicycle trails primarily on existing road rights of way pursuant to section 3 of this act. Of this amount, not more than 15 percent may be expended by the commissioner for costs of staff and independent professional services necessary to the betterment of such lands and improvements.

Sec. 7. [APPROPRIATION FOR GRANT-IN-AID RECREATIONAL BETTERMENT.] Subdivision 1. There is appropriated from the Minnesota state building fund \$7,200,000 for recreational betterment grants-in-aid programs as more specifically provided in subdivisions 2 to 7.

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings set forth; except as otherwise expressly provided or indicated by the context.

(a) "Athletic courts" means special surface areas and supporting equipment or structures such as nets, hoops, and walls which can be used for active games that have definite boundaries and are played on a marked surface, including, but not limited to, basketball, volleyball, handball and tennis.

(b) "Metropolitan council" and "metropolitan area" have the meanings given them in section 473.121.

(c) "Units of government" means any county, city and home rule charter city, town, school district, public post-secondary educational institution, special park district, or any elected park and recreation board having control over parks, parkways, playgrounds, and trees in a city of the first class.

Subd. 3. [LOCAL BICYCLE TRAIL GRANTS.] There is appropriated from the Minnesota state building fund \$2,100,000 to

the commissioner of transportation for the purposes of providing grants to units of government for the betterment of public land and improvements needed for local bicycle trails pursuant to section 3 of this act. In making grants the department shall consider, among other factors, the number of registered bicycles in the localities. \$700,000 of these funds shall be used for grants to units of government in the metropolitan area, in accordance with the priorities established by the metropolitan council. \$1,400,000 of these funds shall be used for grants to units of government outside the metropolitan area. A grant shall not exceed 75 percent of the costs of the betterment of the bicycle trail. To be eligible for a grant, a unit of government must provide at least 25 percent of the costs of the betterment of the trail.

Subd. 4. [LOCAL PARK TRAIL GRANTS.] The state planning agency shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for recreational trails in parks owned and operated by units of government. There is appropriated from the Minnesota state building fund \$1,300,000 to the director of the state planning agency for the purposes of carrying out the provisions of this subdivision. \$650,000 of these funds shall be used for grants to units of government in the metropolitan area in accordance with priorities established by the metropolitan council and the agency and \$650,000 of these funds shall be used for grants to units of government outside the metropolitan area. A grant shall not exceed 40 percent of the costs of the betterment of the trail. To be eligible for a grant, a unit of government must provide at least ten percent of the costs of the betterment of the trail.

Subd. 5. [PARK AND TRAIL GRANTS.] The state planning agency shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. There is appropriated from the Minnesota state building fund \$2,500,000 to the state planning agency for the purposes of carrying out the provisions of this subdivision. \$1,750,000 of these funds shall be used for grants for acquisition of parks and trails. \$750,000 of these funds shall be used for grants for betterment of parks, trails, conservatories, zoos and other special use facilities. The appropriation made in this subdivision shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures. The local contribution required shall be identical to that required by the legislative commission on Minnesota resources for grants-in-aid for recreation open space of regional significance. The program shall be administered so as to ensure the maximum possible use of available federal funds.

Subd. 6. [LOCAL OUTDOOR ATHLETIC COURT GRANTS.] The state planning agency shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for local athletic courts. There is appropriated from the Minnesota state building fund \$1,300,000 to the director of the state planning agency for the purposes of carrying out the provisions of this subdivision. \$650,000 of these funds shall be used for grants to units of government in the metropolitan area in accordance with priorities established by the metropolitan council and the agency and \$650,000 of these funds shall be used for grants to units of government outside the metropolitan area. A grant shall not exceed 50 percent of the costs of the betterment of the athletic court. To be eligible for a grant, a unit of government must provide at least 50 percent of the costs of the betterment of the athletic court. In making grants the agency shall consider, among other factors, evidence of cooperation between units of government, local need and available financial resources, and court locations that encourage maximum use, patronage, and availability.

Subd. 7. [GRANT PROGRAM ADMINISTRATION.] The director of the state planning agency shall have all powers necessary and convenient in order to establish the grant programs pursuant to this section including, but not limited to, the authority to adopt rules and regulations for the programs, pursuant to chapter 15, and emergency rules and regulations to commence immediately the programs, pursuant to section 15.0412. Of the sum appropriated by subdivision 3 of this section, not more than five percent may be expended by the commissioner for staff and independent professional services needed for the grant program. Of the sums appropriated by subdivisions 4, 5 and 6 of this section, not more than five percent may be expended by the director for staff and independent professional services needed for the grant programs.

Sec. 8. The amounts appropriated in sections 1, 2, 6 and 7 shall not cancel but shall be available until expended.

Sec. 9. Minnesota Statutes 1976, Chapter 4, is amended by adding a section to read:

[4.35] [TRAIL PLANNING.] The state planning agency, in cooperation with the department of natural resources, metropolitan council and department of transportation, shall review and coordinate plans for trails acquisition and development and trail development grants pursuant to this act and Minnesota Statutes 1976, Sections 85.015, 85.016, 473.147, and 473.301 to 473.341.

Sec. 10. [BOND SALE.] Subdivision 1. To provide the amounts appropriated in sections 1, 2, 6 and 7, the commissioner of finance, upon request of the governor, shall sell and issue bonds of the state in the amount of \$50,184,667 in the manner and upon the terms prescribed by sections 16A.63 to 16A.66 and by the Minnesota Constitution, Article XI, Sections 4 to 7. The proceeds of the bonds are appropriated to the Minnesota state building fund except as otherwise provided in section 16A.64.

Subd. 2. [DEBT SERVICE.] There is annually appropriated

from the general fund in the state treasury to the Minnesota state building fund bond account in the state bond fund an amount sufficient to pay principal and interest coming due on bonds authorized by subdivision 1, in the amount and manner specified in section 16A.64; subdivision 5.

Sec. 11. Minnesota Statutes 1976, Section 473.121, Subdivision 14, is amended to read:

Subd. 14. "Regional recreation open space" means the land and water areas, or interests therein, and facilities determined by the metropolitan council to be of regional significance importance in providing for a balanced system of public outdoor recreation for the metropolitan area, including but not limited to park reserves, major linear parks and trails, and large recreation parks, and conservatories, zoos, and other special use facilities.

Sec. 12. Minnesota Statutes 1976, Section 473.302, is amended to read:

473.302 [REGIONAL RECREATION OPEN SPACE SYSTEM; PURPOSE.] The legislature finds that the pressure of urbanization and development threatens the most valuable remaining large recreational open space areas in the metropolitan area at the same time as the need for such areas is increased. Immediate action is therefore necessary to provide funds to acquire, preserve, protect and develop regional recreational open space for public use.

Sec. 13. Minnesota Statutes 1976, Section 473.303, is amended by adding a subdivision to read:

Subd. 6. [COMPENSATION.] Members and the chairman shall be compensated as provided for members of metropolitan commissions.

Sec. 14. Minnesota Statutes 1976, Section 473.315, Subdivision 1, is amended to read:

473.315 [GRANTS.] Subdivision 1. The metropolitan council with the advice of the commission may make grants, from any funds available to it for recreation open space purposes, to any municipality, park district or county located wholly or partially within the metropolitan area to cover the cost, or any portion of the cost, of acquiring or developing regional recreation open space in accordance with the policy plan; and all such agencies may enter into contracts for this purpose or rights or interests therein. The cost of acquisition shall include any payments required for relocation pursuant to sections 117.50 to 117.56. No more than 80 percent of the funds available under sections 473.301 to 473.341 shall be used for acquisition of regional recreation open space and no more than 30 percent shall be used for development of regional recreation open space.

Sec. 15. *This act is effective July 1, 1977.*"

Further strike the title and insert:

"A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1297: A bill for an act relating to agriculture; dairy products; grade A pasteurized milk; increasing certification fees; amending Minnesota Statutes 1976, Section 32.394, Subdivisions 8 and 8a.

Reports the same back with the recommendation that the bill do pass, Report adopted.

Mr. Wegener from the Committee on Local Government, to which was re-referred

S. F. No. 1037: A bill for an act relating to the city of Bloomington; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement, rental assistance, and financial assistance; amending Laws 1971, Chapter 616, Sections 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, reinstate the stricken language

Page 1, line 17, before "area" insert "or"

Page 3, after line 6, insert:

"Sec. 3. The housing and redevelopment authority of the city of South St. Paul may, in addition to any authority provided in Minnesota Statutes, Sections 462.415 to 462.716, make rehabilitation loans and grants with respect to property within its area of operation whether within or without the boundaries of an urban renewal area, but the rehabilitation must be necessary to the city's housing assistance plan or, if the property is within an urban renewal area, to carry out the objectives of the urban renewal plan. The authority may determine the conditions under which the loans and grants are made."

Page 3, line 7, before "This" insert "Subdivision 1."

Page 3, line 8, after "effective" insert "as to the city of Bloomington"

Page 3, after line 10, insert:

"Subd. 2. This act is effective as to the city of South St. Paul

only after its approval by a majority of the governing body of the city of South St. Paul and upon compliance with Minnesota Statutes, Section 645.021."

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, after "Bloomington" insert "in Hennepin county and the city of South St. Paul in Dakota county"

And when so amended the bill do pass. Mr. Anderson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 556: A bill for an act relating to Hennepin county; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 27, after "1977," insert "or thereafter,"

Page 2, line 31, after "commission," insert "whenever possible,"

Page 3, after line 12, insert:

"Sec. 3. This act is effective upon approval by the governing bodies of the city of Minneapolis and Hennepin county and upon compliance with Minnesota Statutes, Section 645.021."

Amend the title as follows:

Page 1, line 2, after "to" insert "the city of Minneapolis and"

Page 1, line 2, after "county" insert "municipal building commission"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 288: A bill for an act relating to state parks; providing for cooperative agricultural leases of property acquired by the state within state parks; amending Minnesota Statutes 1976, Section 272.68, Subdivision 3, and Chapter 85, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after "On" insert "any"

Page 1, line 12, after "lands" insert "however acquired, located"

Page 1, after line 20, insert "The sharecropping leases may be entered into for state park lands in lieu of any rental arrangement"

established for use with respect to state lands in any other provision of law."

Page 1, delete lines 21 to 23

Page 2, delete lines 1 to 10

Further, amend the title as follows:

Page 1, line 5, delete "Section 272.68, Subdivision 3, and"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 615: A bill for an act relating to education; higher education coordinating board; authorizing the board to contract for spaces for Minnesota residents in out of state schools for optometry; authorizing the board to explore the feasibility of a regional school of optometry; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Subdivision 1. [POLICY.] The legislature finds that it is in the public interest that opportunity be provided for Minnesota students to become osteopaths and optometrists.

Subd. 2. The higher education coordinating board shall seek to contract with schools of optometry and osteopathy located in other states for placement for Minnesota residents. The number of placements in colleges of osteopathy shall not exceed ten and in colleges of optometry shall not exceed 13.

Subd. 3. Selection of students for spaces obtained through contract between the higher education coordinating board and the out of state schools shall be the responsibility of the individual school, provided that any student for whom space is contracted shall be required to enter into an agreement with the higher education coordinating board to practice osteopathy or optometry in the state of Minnesota for a period of not less than three years.

Subd. 4. The agreement with the student shall provide that practice in Minnesota by the student shall begin within 18 months following completion of the academic program unless the board approves a later time for beginning practice. The board may approve a delay in the time for the student to begin practice in Minnesota for a period of not to exceed seven years in the case of osteopaths and not to exceed four years in the case of optometrists. The delay may be approved to allow for additional education or clinical experience or for extenuating circumstances which in the judgment of the board constitute sufficient justification for delay.

Subd. 5. A student who fails to fulfill the obligation to practice

in accordance with subdivision 4 or who for any reason except death or disability discontinues full time study under the agreement shall pay a penalty in an amount equal to the amount paid to the school by the higher education coordinating board for the space which the student occupied. The penalty shall be payable on demand in accordance with terms and conditions prescribed by the board.

Subd. 6. The higher education coordinating board is authorized to establish terms and conditions of contracts with schools of osteopathy and optometry including the amount of payment to be made to each school.

Sec. 2. The higher education coordinating board shall explore the feasibility of cooperating with neighboring states in the development of a regional system for the delivery of optometric education. The board shall report on the results of the feasibility study no later than January, 1979.

Sec. 3. [APPROPRIATION.] The sum of \$217,000 is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1979. Of this amount, not to exceed \$30,000 shall be available in each year of the biennium for administrative expenses of the board. Also of this amount, the sum of \$52,000 shall be available for payments under contract to schools of optometry and the sum of \$135,000 shall be available for payments under contract to schools of osteopathy for the year ending June 30, 1979."

Further, amend the title as follows:

Page 1, line 5, before "optometry" insert "osteopathy and"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 781, 117, 967, 968, 970, 971, 1175, 1127, 1138, 822, 875, 1034, 1310, 1118, 895, 1096, 975, 494, 969, 973, 1014, 297, 836, 832, 566, 1196, 678, 749, 997, 1077, 1140, 943 and 626, makes the following report:

That S. F. Nos. 781, 967, 968, 970, 971, 1175, 1127, 1138, 822, 875, 1034, 1310, 1118, 895, 1096, 975, 969, 973, 1014, 297, 836, 1196, 678, 749, 997, 1077, 1140 and 626 be placed on the General Orders Calendar in the order indicated.

That S. F. No. 117 be placed on the Consent Calendar.

That S. F. Nos. 494, 832, 566 and 943 are being retained in the subcommittee.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1022, 952 and 288 were read the second time.

S. F. Nos. 1452, 1165, 1018, 1334, 1350, 1390, 1120, 627, 734, 1297, and 556 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Menning moved that his name be stricken as co-author to S. F. No. 411. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar and Consent Calendar and waive the lie-over requirement except for S. F. No. 411. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 466: A bill for an act relating to post conviction remedy; authorizing the court to determine whether a petitioner must be present at a post conviction hearing; amending Minnesota Statutes 1976, Section 590.04, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearly	Lewis	Peterson	Spear
Aashbach	Gunderson	Luther	Pillsbury	Staples
Bang	Hanson	McCutcheon	Purfeerst	Stokowski
Bernhagen	Hughes	Merriam	Renneke	Strand
Brataas	Humphrey	Milton	Schaaf	Stumpf
Chenoweth	Jensen	Moe	Schmitz	Tennessen
Chmielewski	Johnson	Nelson	Schrom	Ueland, A.
Coleman	Keefe, J.	Ogdahl	Setzepfandt	Ulland, J.
Davies	Keefe, S.	Olhoft	Sieloff	Vega
Dunn	Knutson	Olson	Sikorski	Wegener
Engler	Laufenburger	Penny	Sillers	Willet
Frederick	Lessard	Perpich	Solon	

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 125: A bill for an act relating to commerce; prohibiting discriminatory trade practices; providing a penalty; amending Minnesota Statutes 1976, Section 325.8018, Subdivision 2; and Chapter 325, 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 52 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lewis	Peterson	Stokowski
Ashbach	Gearty	Luther	Renneke	Strand
Bang	Gunderson	McCutcheon	Schaaf	Stumpf
Bernhagen	Hanson	Merriam	Schmitz	Tennessee
Brataas	Hughes	Milton	Setzepfandt	Ueland, A.
Chenoweth	Humphrey	Moe	Sieloff	Ulland, J.
Chmielewski	Johnson	Nelson	Sikorski	Wegener
Coleman	Keefe, J.	Ogdahl	Sillers	Willett
Dieterich	Keefe, S.	Olhoff	Solon	
Dunn	Knutson	Penny	Spear	
Engler	Lessard	Perpich	Staples	

Messrs. Jensen, Laufenburger, Purfeerst and Schrom voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 265: A bill for an act relating to highways; providing that towns be reimbursed for repairing and restoring town roads damaged while utilized as a haul road in transporting road building materials used in construction or maintenance.

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 53 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Peterson	Spear
Bang	Gearty	Luther	Pillsbury	Staples
Bernhagen	Gunderson	McCutcheon	Purfeerst	Stokowski
Brataas	Hanson	Merriam	Renneke	Strand
Chenoweth	Hughes	Moe	Schaaf	Stumpf
Chmielewski	Humphrey	Nelson	Schmitz	Ulland, J.
Coleman	Jensen	Ogdahl	Schrom	Vega
Davies	Johnson	Olhoff	Setzepfandt	Wegener
Dieterich	Keefe, S.	Olson	Sieloff	Willett
Dunn	Knutson	Penny	Sikorski	
Engler	Laufenburger	Perpich	Solon	

Those who voted in the negative were:

Ashbach	Lewis	Sillers	Tennessee	Ueland, A.
Keefe, J.				

So the bill passed and its title was agreed to.

S. F. No. 667: A bill for an act relating to the city of Minneapolis; authorizing a rehabilitation loan program for small and medium sized commercial buildings; and providing for the issuance and security of limited general obligation and revenue bonds to finance the program.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Olson	Spear
Bang	Gearty	Lessard	Penny	Staples
Bernhagen	Gunderson	Lewis	Peterson	Stokowski
Chenoweth	Hanson	Luther	Purfeerst	Strand
Chmielewski	Hughes	Milton	Renneke	Stumpf
Coleman	Humphrey	Moe	Schmitz	Vega
Dieterich	Jensen	Nelson	Schrom	Wegener
Dunn	Johnson	Ogdahl	Setzepfandt	Willet
Engler	Keefe, S.	Olhoft	Solon	

Those who voted in the negative were:

Brataas	Knutson	Perpich	Sieloff	Tennessee
Davies	McCutcheon	Pillsbury	Sikorski	Ulland, J.
Keefe, J.	Merriam	Schaaf	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 769: A bill for an act relating to the town of White and the city of Aurora; providing for their separation.

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 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lewis	Pillsbury	Staples
Ashbach	Gunderson	Luther	Purfeerst	Stokowski
Bang	Hanson	McCutcheon	Renneke	Strand
Bernhagen	Hughes	Merriam	Schaaf	Stumpf
Brataas	Humphrey	Moe	Schmitz	Tennessee
Chenoweth	Jensen	Nelson	Schrom	Ueland, A.
Coleman	Johnson	Ogdahl	Setzepfandt	Ulland, J.
Davies	Keefe, J.	Olhoft	Sieloff	Vega
Dieterich	Keefe, S.	Olson	Sikorski	Wegener
Dunn	Knutson	Penny	Sillers	Willet
Engler	Laufenburger	Perpich	Solon	
Frederick	Lessard	Peterson	Spear	

So the bill passed and its title was agreed to.

S. F. No. 569: A bill for an act relating to Norman county; validating certain funds transfers.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Gunderson	Keefe, S.	Milton
Ashbach	Davies	Hanson	Knutson	Moe
Bang	Dieterich	Hughes	Laufenburger	Nelson
Bernhagen	Dunn	Humphrey	Lessard	Ogdahl
Brataas	Engler	Jensen	Lewis	Olhoft
Chenoweth	Frederick	Johnson	Luther	Olson
Chmielewski	Gearty	Keefe, J.	McCutcheon	Penny

Perpich	Schaaf	Sikorski	Stokowski	Ulland, J.
Peterson	Schmitz	Sillers	Strand	Vega
Pillsbury	Schrom	Solon	Stumpf	Wegener
Purfeerst	Setzepfandt	Spear	Tennessee	Willet
Renneke	Sieloff	Staples	Ueland, A.	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 640: A bill for an act relating to the county of Hennepin; permitting longer duration contracts for goods and services entered into by the county of Hennepin; amending Laws 1969, Chapter 476, Section 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 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Peterson	Spear
Ashbach	Gearty	Lewis	Pillsbury	Staples
Bang	Gunderson	Luther	Purfeerst	Stokowski
Bernhagen	Hanson	McCutcheon	Renneke	Strand
Brataas	Hughes	Merriam	Schaaf	Stumpf
Chenoweth	Humphrey	Moe	Schmitz	Tennessee
Chmielewski	Jensen	Nelson	Schrom	Ueland, A.
Coleman	Johnson	Ogdahl	Setzepfandt	Vega
Davies	Keefe, J.	Olhoff	Sieloff	Wegener
Dieterich	Keefe, S.	Olson	Sikorski	Willet
Dunn	Knutson	Penny	Sillers	
Engler	Laufenburger	Perpich	Solon	

Mr. Ulland, J. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 417: A bill for an act relating to highway traffic regulations; accidents; requiring certain information to be given; raising the amount of property damage required before an accident must be reported to the commissioner of public safety; providing penalties; amending Minnesota Statutes 1976, Section 169.09, Subdivisions 3, 7, and 14.

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 57 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Hanson	Knutson	Moe
Ashbach	Davies	Hughes	Laufenburger	Nelson
Bang	Dieterich	Humphrey	Lessard	Ogdahl
Bernhagen	Dunn	Jensen	Lewis	Olhoff
Brataas	Engler	Johnson	Luther	Olson
Chenoweth	Frederick	Keefe, J.	McCutcheon	Penny
Chmielewski	Gearty	Keefe, S.	Merriam	Perpich

Peterson	Schmitz	Sillers	Strand	Vega
Pillsbury	Schrom	Solon	Stumpf	Wegener
Purfeerst	Setzepfandt	Spear	Tennessen	
Renneke	Sieloff	Staples	Ueland, A.	
Schaaf	Sikorski	Stokowski	Ulland, J.	

Messrs. Gunderson and Willet voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 620: A bill for an act relating to sheriffs; salaries, fees and budgets; providing that the salary and budget of the sheriff shall be set by the county board in each county of the state; authorizing costs and reasonable attorney fees on appeal; amending Minnesota Statutes 1976, Section 387.20, Subdivisions 1, 2 and 7; repealing Minnesota Statutes 1976, Section 387.20, Subdivision 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	McCutcheon	Purfeerst	Strand
Ashbach	Hanson	Merriam	Schaaf	Stumpf
Bang	Hughes	Moe	Schmitz	Tennessen
Bernhagen	Humphrey	Nelson	Setzepfandt	Ueland, A.
Chenoweth	Johnson	Ogdahl	Sieloff	Ulland, J.
Chmielewski	Keefe, J.	Olhoft	Sikorski	Vega
Davies	Keefe, S.	Olson	Sillers	Wegener
Dieterich	Laufenburger	Penny	Solon	Willet
Dunn	Lessard	Perpich	Spear	
Engler	Lewis	Peterson	Staples	
Gearty	Luther	Pillsbury	Stokowski	

Those who voted in the negative were:

Brataas	Jensen	Knutson	Renneke	Schrom
Frederick				

So the bill passed and its title was agreed to.

S. F. No. 388: A bill for an act relating to insurance; subrogation of claims; requiring subrogated insurers to pay a proportionate share of certain attorney fees and costs; amending Minnesota Statutes 1976, Section 65B.53, Subdivision 5, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Davies	Frederick	Hughes
Ashbach	Chenoweth	Dieterich	Gearty	Humphrey
Bang	Chmielewski	Dunn	Gunderson	Jensen
Bernhagen	Coleman	Engler	Hanson	Johnson

Keefe, J.	Merriam	Peterson	Sikorski	Ueland, A.
Keefe, S.	Milton	Pillsbury	Sillers	Ulland, J.
Knoll	Moe	Purfeerst	Solon	Vega
Knutson	Nelson	Renneke	Spear	Wegener
Laufenburger	Ogdahl	Schaaf	Staples	Willet
Lessard	Olhoff	Schmitz	Stokowski	
Lewis	Olson	Schrom	Strand	
Luther	Penny	Setzepfandt	Stumpf	
McCutcheon	Perpich	Sieloff	Tennessee	

So the bill passed and its title was agreed to.

S. F. No. 562: A bill for an act relating to the practice of chiropractic; prescribing academic requirements for licensure, grounds for disciplinary action, and penalties; amending Minnesota Statutes 1976, Sections 148.06, Subdivision 1; and 148.10, Subdivision 1, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penny	Sillers
Ashbach	Gearty	Lessard	Perpich	Solon
Bang	Gunderson	Lewis	Peterson	Spear
Bernhagen	Hanson	Luther	Pillsbury	Staples
Brataas	Hughes	McCutcheon	Purfeerst	Stokowski
Chenoweth	Humphrey	Merriam	Renneke	Stumpf
Chmielewski	Jensen	Milton	Schaaf	Tennessee
Coleman	Johnson	Moe	Schmitz	Ueland, A.
Davies	Keefe, J.	Nelson	Schrom	Ulland, J.
Dieterich	Keefe, S.	Ogdahl	Setzepfandt	Vega
Dunn	Knoll	Olhoff	Sieloff	Wegener
Engler	Knutson	Olson	Sikorski	Willet

So the bill passed and its title was agreed to.

S. F. No. 737: A bill for an act relating to local government; providing leaves of absence for certain governmental officers and employees elected to city or county office; amending Minnesota Statutes 1976, Section 3.088, Subdivisions 1, 2 and 5.

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 18, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Luther	Schmitz	Stumpf
Bernhagen	Hanson	McCutcheon	Setzepfandt	Ueland, A.
Brataas	Hughes	Merriam	Sikorski	Vega
Chenoweth	Humphrey	Moe	Sillers	Wegener
Chmielewski	Johnson	Olhoff	Solon	Willet
Coleman	Keefe, J.	Penny	Spear	
Davies	Keefe, S.	Perpich	Staples	
Dieterich	Knoll	Peterson	Stokowski	
Engler	Lewis	Purfeerst	Strand	

Those who voted in the negative were:

Ashbach	Gunderson	Lessard	Renneke	Tennessen
Bang	Jensen	Nelson	Schaaf	Ulland, J.
Dunn	Knutson	Olson	Schrom	
Frederick	Laufenburger	Pillsbury	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 348: A bill for an act relating to municipalities; planning and regulating development in orderly annexation areas adjacent to cities; amending Minnesota Statutes 1976, Section 414.068.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lewis	Pillsbury	Stokowski
Ashbach	Gunderson	Luther	Purfeerst	Strand
Bang	Hanson	McCutcheon	Renneke	Stumpf
Bernhagen	Hughes	Merriam	Schaaf	Tennessen
Brataas	Humphrey	Milton	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Schrom	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Vega
Coleman	Keefe, J.	Ogdahl	Sieloff	Wegener
Davies	Keefe, S.	Olhoff	Sikorski	Willet
Dieterich	Knoll	Olson	Sillers	
Dunn	Knutson	Penny	Solon	
Engler	Laufenburger	Perpich	Spear	
Frederick	Lessard	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 774: A bill for an act relating to intoxicating liquor; permitting entertainment and coin-operated amusement devices in privately-owned and municipal liquor stores; amending Minnesota Statutes 1976, Sections 340.07, Subdivision 13; and 340.353, 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 44 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lewis	Purfeerst	Stokowski
Ashbach	Hughes	Luther	Schmitz	Strand
Bang	Humphrey	Merriam	Schrom	Tennessen
Chenoweth	Jensen	Nelson	Sieloff	Ueland, A.
Davies	Johnson	Ogdahl	Sikorski	Ulland, J.
Dieterich	Keefe, J.	Olson	Sillers	Vega
Dunn	Keefe, S.	Penny	Solon	Wegener
Frederick	Laufenburger	Perpich	Spear	Willet
Gearty	Lessard	Pillsbury	Staples	

Those who voted in the negative were:

Bernhagen	Coleman	Knutson	Moe	Renneke
Brataas	Engler	McCutcheon	Olhoft	Setzepfandt
Chmielewski	Hanson	Milton	Peterson	Stumpf

So the bill passed and its title was agreed to.

S. F. No. 649: A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' bonds; eliminating certification of local treasurer's bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2; 273.04; 273.05, Subdivisions 1 and 2; 273.06; 273.061, Subdivision 3; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penpich	Spear
Ashbach	Gearty	Lessard	Peterson	Staples
Bang	Gunderson	Lewis	Pillsbury	Stokowski
Bernhagen	Hanson	Luther	Purfeerst	Strand
Brataas	Hughes	McCutcheon	Renneke	Stumpf
Chenoweth	Humphrey	Merriam	Schaaf	Tennessen
Chmielewski	Jensen	Moe	Schmitz	Ueland, A.
Coleman	Johnson	Nelson	Schrom	Ulland, J.
Davies	Keefe, J.	Ogdahl	Setzepfandt	Vega
Dieterich	Keefe, S.	Olhoft	Sikorski	Wegener
Dunn	Knoll	Olson	Sillers	Willet
Engler	Knutson	Penny	Solon	

So the bill passed and its title was agreed to.

S. F. No. 586: A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plans; amending Minnesota Statutes 1976, Section 60A.08, Subdivision 10.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Davies	Frederick	Hughes
Ashbach	Chenoweth	Dieterich	Gearty	Humphrey
Bang	Chmielewski	Dunn	Gunderson	Jensen
Bernhagen	Coleman	Engler	Hanson	Johnson

Keefe, J.	McCutcheon	Penny	Schrom	Strand
Keefe, S.	Merriam	Perpich	Setzepfandt	Stumpf
Knoll	Milton	Peterson	Sikorski	Tennessee
Knutson	Moe	Pillsbury	Sillers	Ueland, A.
Laufenburger	Nelson	Purfeerst	Solon	Ulland, J.
Lessard	Ogdahl	Renneke	Spear	Vega
Lewis	Olhoft	Schaaf	Staples	Wegener
Luther	Olson	Schmitz	Stokowski	Willet

So the bill passed and its title was agreed to.

S. F. No. 389: A bill for an act relating to taxation; providing that reduced property tax classification for homesteads of disabled persons be continued for their surviving spouses; extending the 3cc classification to property of persons receiving disability benefits from political subdivisions; amending Minnesota Statutes 1976, Section 273.13, Subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lewis	Pillsbury	Stokowski
Ashbach	Gunderson	Luther	Purfeerst	Strand
Bang	Hanson	McCutcheon	Renneke	Stumpf
Bernhagen	Hughes	Merriam	Schaaf	Tennessee
Brataas	Humphrey	Milton	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Schrom	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Vega
Coleman	Keefe, J.	Ogdahl	Sieloff	Wegener
Davies	Keefe, S.	Olhoft	Sikorski	Willet
Dieterich	Knoll	Olson	Sillers	
Dunn	Knutson	Penny	Solon	
Engler	Laufenburger	Perpich	Spear	
Frederick	Lessard	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 831: A bill for an act relating to port authorities; increasing the compensation of commissioners for attending regular and special meetings; eliminating the annual limitation on such compensation; amending Minnesota Statutes 1976, Section 458-195, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Gearty	Johnson	Lessard
Ashbach	Coleman	Gunderson	Keefe, J.	Luther
Bang	Dieterich	Hanson	Keefe, S.	McCutcheon
Bernhagen	Dunn	Hughes	Knoll	Merriam
Brataas	Engler	Humphrey	Knutson	Milton
Chenoweth	Frederick	Jensen	Laufenburger	Moe

Nelson	Peterson	Setzepfandt	Staples	Ulland, J.
Ogdahl	Pillsbury	Sieloff	Stokowski	Vega
Olhoft	Purfeerst	Sikorski	Strand	Wegener
Olson	Renneke	Sillers	Stumpf	Willet
Penny	Schaaf	Solon	Tennesen	
Perpich	Schmitz	Spear	Ueland, A.	

Messrs. Davies and Schrom voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 916: A bill for an act relating to elections; precinct boundaries; including annexed area in adjacent precinct; amending Minnesota Statutes 1976, Section 204A.06, Subdivision 1; repealing Minnesota Statutes 1976, Section 204A.06, 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Solon
Ashbach	Gearty	Lessard	Peterson	Spear
Bang	Gunderson	Luther	Pillsbury	Staples
Bernhagen	Hanson	McCutcheon	Purfeerst	Stokowski
Brataas	Hughes	Merriam	Renneke	Strand
Chenoweth	Humphrey	Milton	Schaaf	Stumpf
Chmielewski	Jensen	Moe	Schmitz	Tennesen
Coleman	Johnson	Nelson	Schrom	Ueland, A.
Davies	Keefe, J.	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Keefe, S.	Olhoft	Sieloff	Vega
Dunn	Knoll	Olson	Sikorski	Wegener
Engler	Knutson	Penny	Sillers	

Mr. Willet voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 686: A bill for an act relating to animals; authorizing destruction rather than research use for unclaimed animals; amending Minnesota Statutes 1976, Section 35.71, Subdivision 3.

Mr. Schaaf moved that S. F. No. 686 be stricken from the Calendar and placed at the top of General Orders.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 32 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Lessard	Pillsbury	Stumpf
Ashbach	Engler	Luther	Renneke	Tennesen
Bang	Frederick	Milton	Schaaf	Ueland, A.
Bernhagen	Gunderson	Moe	Schrom	Ulland, J.
Brataas	Jensen	Ogdahl	Setzepfandt	
Coleman	Knoll	Olson	Sillers	
Davies	Knutson	Perpich	Solon	

Those who voted in the negative were:

Chenoweth	Humphrey	McCutcheon	Purfeerst	Stokowski
Chmielewski	Johnson	Merriam	Schmitz	Strand
Dieterich	Keefe, J.	Nelson	Sieloff	Vega
Gearty	Keefe, S.	Olhoft	Sikorski	Wegener
Hanson	Laufenburger	Penny	Spear	Willet
Hughes	Lewis	Peterson	Staples	

The motion prevailed.

S. F. No. 274: A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

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 37 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Merriam	Schaaf	Stumpf
Chenoweth	Humphrey	Moe	Schmitz	Tennessee
Chmielewski	Johnson	Nelson	Setzepfandt	Ulland, J.
Coleman	Keefe, S.	Olhoft	Sikorski	Vega
Davies	Knoll	Olson	Solon	Willet
Gearty	Laufenburger	Penpich	Spear	
Gunderson	Luther	Peterson	Staples	
Hanson	McCutcheon	Renneke	Stokowski	

Those who voted in the negative were:

Ashbach	Dunn	Knutson	Purfeerst	Ueland, A.
Bang	Engler	Lessard	Schrom	Wegener
Bernhagen	Frederick	Ogdahl	Sieloff	
Brataas	Jensen	Penny	Sillers	
Dieterich	Keefe, J.	Pillsbury	Strand	

So the bill passed and its title was agreed to.

S. F. No. 506: A bill for an act relating to taxation; extending the tax credit for feedlot pollution control equipment and providing for a carryover of the credit from one year to another; amending Minnesota Statutes 1976, Section 290.06, Subdivision 9a.

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 57 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Jensen	Lewis	Penny
Ashbach	Dunn	Johnson	Luther	Perpich
Bang	Engler	Keefe, J.	McCutcheon	Peterson
Bernhagen	Frederick	Moe	Pillsbury	Pillsbury
Brataas	Gearty	Knoll	Nelson	Purfeerst
Chenoweth	Gunderson	Knutson	Ogdahl	Renneke
Chmielewski	Hanson	Laufenburger	Olhoft	Schaaf
Coleman	Humphrey	Lessard	Olson	Schmitz

Schrom	Sillers	Stokowski	Ueland, A.	Willet
Setzepfandt	Solon	Strand	Ulland, J.	
Sieloff	Spear	Stumpf	Vega	
Sikorski	Staples	Tennessee	Wegener	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 102: A bill for an act relating to taxation; removing levy limitations on certain towns having population of less than 3,500; allowing electors of exempt towns to determine mill rates; amending Minnesota Statutes 1976, Sections 275.09, Subdivision 3; 275.10, Subdivision 1; 275.31; and 275.59.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Solon
Ashbach	Gearty	Lessard	Peterson	Spear
Bang	Gunderson	Lewis	Pillsbury	Staples
Bernhagen	Hanson	Luther	Purfeerst	Stokowski
Brataas	Hughes	McCutcheon	Renneke	Strand
Chenoweth	Humphrey	Merriam	Schaaf	Stumpf
Chmielewski	Jensen	Moe	Schmitz	Tennessee
Coleman	Johnson	Nelson	Schrom	Ueland, A.
Davies	Keefe, J.	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Keefe, S.	Olhoft	Sieloff	Vega
Dunn	Knoll	Olson	Sikorski	Wegener
Engler	Knutson	Penny	Sillers	Willet

So the bill passed and its title was agreed to.

S. F. No. 477: A bill for an act relating to taxation; allowing certain income adjusted homestead credit claims on behalf of decedents; amending Minnesota Statutes 1976, Section 290A.10.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Solon
Ashbach	Gearty	Lessard	Peterson	Spear
Bang	Gunderson	Lewis	Pillsbury	Staples
Bernhagen	Hanson	Luther	Purfeerst	Stokowski
Brataas	Hughes	McCutcheon	Renneke	Strand
Chenoweth	Humphrey	Merriam	Schaaf	Stumpf
Chmielewski	Jensen	Moe	Schmitz	Tennessee
Coleman	Johnson	Nelson	Schrom	Ueland, A.
Davies	Keefe, J.	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Keefe, S.	Olhoft	Sieloff	Vega
Dunn	Knoll	Olson	Sikorski	Wegener
Engler	Knutson	Penny	Sillers	Willet

So the bill passed and its title was agreed to.

S. F. No. 845: A bill for an act relating to St. Louis county Independent School District No. 710; providing for separate election districts.

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 9, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Lewis	Purfeerst	Strand
Bernhagen	Hughes	McCutcheon	Renneke	Tennessee
Chenoweth	Humphrey	Moe	Schmitz	Ueland, A.
Chmielewski	Jensen	Nelson	Schrom	Ulland, J.
Coleman	Johnson	Ogdahl	Setzepfandt	Vega
Davies	Keefe, J.	Olhoff	Sikorski	Wegener
Dieterich	Keefe, S.	Olson	Sillers	Willet
Engler	Knoll	Penny	Solon	
Frederick	Knutson	Perpich	Spear	
Gearty	Laufenburger	Peterson	Staples	
Gunderson	Lessard	Pillsbury	Stokowski	

Those who voted in the negative were:

Anderson	Brataas	Luther	Schaaf	Stumpf
Bang	Dunn	Merriam	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 499: A bill for an act relating to the operation of state government; providing for a study on improving public access to state services and facilities; requiring a report.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Solon
Ashbach	Gearty	Lessard	Peterson	Spear
Bang	Gunderson	Lewis	Pillsbury	Staples
Bernhagen	Hanson	Luther	Purfeerst	Stokowski
Brataas	Hughes	McCutcheon	Renneke	Strand
Chenoweth	Humphrey	Merriam	Schaaf	Stumpf
Chmielewski	Jensen	Moe	Schmitz	Tennessee
Coleman	Johnson	Nelson	Schrom	Ueland, A.
Davies	Keefe, J.	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Keefe, S.	Olhoff	Sieloff	Vega
Dunn	Knoll	Olson	Sikorski	Wegener
Engler	Knutson	Penny	Sillers	Willet

So the bill passed and its title was agreed to.

S. F. No. 498: A bill for an act relating to public drainage systems; transferring the administration of judicial ditches to county boards; raising the interest rate limitation on ditch lien statements; increasing the interest rate limitation on certain penalties; increasing the authorized interest rates on bonds; limiting assessment

levies for repairs and maintenance; providing for a redetermination of benefits and benefited areas; amending Minnesota Statutes 1976, Sections 106.015, Subdivision 5; 106.371, Subdivisions 2 and 4; 106.411, Subdivisions 3, 4 and 7; 106.471, Subdivision 2; 106.673; and Chapter 106, 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 56 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Peterson	Stokowski
Ashbach	Gearty	Lessard	Pillsbury	Strand
Bang	Gunderson	Lewis	Purfeerst	Stumpf
Bernhagen	Hanson	Luther	Renneke	Tennessee
Brataas	Hughes	McCutcheon	Schaaf	Ueland, A.
Chenoweth	Humphrey	Merriam	Setzepfandt	Vega
Chmielewski	Jensen	Moe	Sieloff	Wegener
Coleman	Johnson	Nelson	Sikorski	Willet
Davies	Keefe, S.	Olhoft	Sillers	
Dieterich	Kleinbaum	Olson	Solon	
Dunn	Knoll	Penny	Spear	
Engler	Knutson	Perpich	Staples	

Messrs. Keefe, J.; Schmitz; Schrom and Ulland, J. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 362: A bill for an act relating to retirement; miscellaneous amendments to the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 2; 354.06, Subdivision 2, and by adding a subdivision; 354.07, by adding a subdivision; 354.10; 354.41, Subdivision 6; 354.43, Subdivision 4; 354.49, Subdivision 5; 354.50, Subdivision 2; 354.53, Subdivision 1; and 354.58.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Perpich	Spear
Ashbach	Gunderson	Lessard	Peterson	Staples
Bang	Hanson	Lewis	Pillsbury	Stokowski
Bernhagen	Hughes	Luther	Purfeerst	Strand
Brataas	Humphrey	McCutcheon	Renneke	Stumpf
Chenoweth	Jensen	Merriam	Schaaf	Tennessee
Chmielewski	Johnson	Moe	Schmitz	Ueland, A.
Davies	Keefe, J.	Nelson	Schrom	Ulland, J.
Dieterich	Keefe, S.	Ogdahl	Setzepfandt	Vega
Dunn	Kleinbaum	Olhoft	Sikorski	Wegener
Engler	Knoll	Olson	Sillers	Willet
Frederick	Knutson	Penny	Solon	

Mr. Sieloff voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 191: A bill for an act relating to adoption; authorizing release of birth information to adopted persons; requiring waiting period for objections from parents; amending Minnesota Statutes 1976, Sections 144.151, by adding subdivisions; 144.175, Subdivision 2; 260.241, by adding a subdivision; and Chapter 144, 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 52 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Lewis	Purfeerst	Strand
Bernhagen	Hughes	Luther	Renneke	Stumpf
Chenoweth	Jensen	McCutcheon	Schaaf	Tennessee
Chmielewski	Johnson	Moe	Schmitz	Ueland, A.
Davies	Keefe, J.	Nelson	Schrom	Ulland, J.
Dieterich	Keefe, S.	Ogdahl	Setzepfandt	Vega
Dunn	Kleinbaum	Olhoff	Sieloff	Wegener
Engler	Knoll	Olson	Sikorski	Willet
Frederick	Knutson	Penny	Spear	
Garty	Laufenburger	Perpich	Staples	
Gunderson	Lessard	Pillsbury	Stokowski	

Those who voted in the negative were:

Ashbach	Brataas	Merriam	Peterson	Sillers
Bang	Humphrey			

So the bill passed and its title was agreed to.

S. F. No. 617: A bill for an act relating to the university of Minnesota; conferring university of Minnesota peace officers with limited powers of arrest; governing the operation and parking of vehicles upon property owned, leased or occupied by the regents of the university of Minnesota; amending Minnesota Statutes 1976, Section 137.12; 169.123, Subdivision 1; 169.965, Subdivision 1; 626.05, Subdivision 2; 626A.01, Subdivision 7; and Chapter 626, 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 58 and nays 2, as follows:

Those who voted in affirmative were:

Anderson	Garty	Laufenburger	Pillsbury	Staples
Ashbach	Gunderson	Lessard	Purfeerst	Stokowski
Bang	Hanson	Lewis	Renneke	Strand
Bernhagen	Hughes	Luther	Schaaf	Stumpf
Brataas	Humphrey	McCutcheon	Schmitz	Tennessee
Chenoweth	Jensen	Merriam	Schrom	Ueland, A.
Chmielewski	Johnson	Nelson	Setzepfandt	Ulland, J.
Davies	Keefe, J.	Ogdahl	Sieloff	Vega
Dieterich	Keefe, S.	Olhoff	Sikorski	Wegener
Dunn	Kleinbaum	Olson	Sillers	Willet
Engler	Knoll	Penny	Solon	
Frederick	Knutson	Perpich	Spear	

Messrs. Moe and Peterson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 766: A bill for an act relating to crimes; public safety and health; dangerous weapons; short-barreled shotguns; providing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Penny	Stokowski
Ashbach	Gearty	Lessard	Perpich	Strand
Bang	Gunderson	Lewis	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Schaaf	Tennessee
Brataas	Hughes	McCutcheon	Setzepfandt	Ueland, A.
Chenoweth	Humphrey	Merriam	Sieloff	Ulland, J.
Chmielewski	Jensen	Moe	Sikorski	Vega
Davies	Johnson	Nelson	Sillers	
Dieterich	Keefe, J.	Ogdahl	Solon	
Dunn	Keefe, S.	Olhoff	Spear	
Engler	Knoll	Olson	Staples	

Those who voted in the negative were:

Kleinbaum	Peterson	Renneke	Schrom	Willet
Laufenburger	Purfeerst	Schmitz	Wegener	

So the bill passed and its title was agreed to.

S. F. No. 582: A bill for an act relating to motor vehicle common carriers; reinstating operating authority of certain irregular route common carriers.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Laufenburger	Olson	Spear
Ashbach	Hanson	Lessard	Penny	Staples
Bernhagen	Hughes	Lewis	Perpich	Stokowski
Brataas	Humphrey	Luther	Pillsbury	Strand
Chenoweth	Jensen	McCutcheon	Purfeerst	Stumpf
Chmielewski	Johnson	Merriam	Renneke	Tennessee
Davies	Keefe, J.	Moe	Schmitz	Ulland, J.
Dieterich	Keefe, S.	Nelson	Setzepfandt	Vega
Engler	Kleinbaum	Ogdahl	Sikorski	Wegener
Gearty	Knoll	Olhoff	Sillers	

Those who voted in the negative were:

Bang	Frederick	Peterson	Schrom	Ueland, A.
Dunn	Knutson	Schaaf	Solon	Willet

So the bill passed and its title was agreed to.

S. F. No. 96: A bill for an act relating to insurance; providing that individual persons may cancel certain policies of insurance within ten days after receipt; setting out notice requirements.

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 43 and nays 16, as follows:

Those who voted in the affirmative were:

Chenoweth	Humphrey	Luther	Purfeerst	Stokowski
Chmielewski	Jensen	Merriam	Renneke	Strand
Davies	Johnson	Moe	Schaaf	Stumpf
Dieterich	Keefe, J.	Nelson	Schmitz	Tennessen
Dunn	Keefe, S.	Olhoft	Schrom	Ulland, J.
Gearty	Kleinbaum	Olson	Sikorski	Vega
Gunderson	Knoll	Penny	Solon	Willet
Hanson	Lessard	Perpich	Spear	
Hughes	Lewis	Pillsbury	Staples	

Those who voted in the negative were:

Anderson	Engler	Laufenburger	Peterson	Sillers
Bang	Frederick	McCutcheon	Setzepfandt	Ueland, A.
Bernhagen	Knutson	Ogdahl	Sieloff	Wegener
Brataas				

So the bill passed and its title was agreed to.

S. F. No. 682: A bill for an act relating to Anoka county; creating a housing and redevelopment authority; applying the provisions of the municipal housing and redevelopment act to Anoka county; providing for local approval of projects.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Pillsbury	Stokowski
Ashbach	Gunderson	Lewis	Purfeerst	Strand
Bang	Hanson	Luther	Renneke	Stumpf
Bernhagen	Hughes	McCutcheon	Schaaf	Tennessen
Brataas	Humphrey	Merriam	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Schrom	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Vega
Coleman	Keefe, J.	Ogdahl	Sieloff	Wegener
Davies	Keefe, S.	Olhoft	Sikorski	Willet
Dieterich	Kleinbaum	Olson	Sillers	
Dunn	Knoll	Penny	Solon	
Engler	Knutson	Perpich	Spear	
Frederick	Laufenburger	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 600: A bill for an act relating to education; trade schools; exempting certain courses in the arts from regulation by

the commissioner of education; amending Minnesota Statutes 1976, Section 141.35.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Pillsbury	Stokowski
Ashbach	Gunderson	Lewis	Purfeerst	Strand
Bang	Hanson	Luther	Renneke	Stumpf
Bernhagen	Hughes	McCutcheon	Schaaf	Tennessee
Brataas	Humphrey	Merriam	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Schrom	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Vega
Coleman	Keefe, J.	Ogdahl	Sieloff	Wegener
Davies	Keefe, S.	Olhoft	Sikorski	Willet
Dieterich	Kleinbaum	Olson	Sillers	
Dunn	Knoll	Penny	Solon	
Engler	Knutson	Perpich	Spear	
Frederick	Laufenburger	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 972: A bill for an act relating to probate; personal representatives; protecting certain good faith purchasers dealing with personal representatives; amending Minnesota Statutes 1976, Section 524.3-714.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Pillsbury	Stokowski
Ashbach	Gunderson	Lewis	Purfeerst	Strand
Bang	Hanson	Luther	Renneke	Stumpf
Bernhagen	Hughes	McCutcheon	Schaaf	Tennessee
Brataas	Humphrey	Merriam	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Schnom	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Vega
Coleman	Keefe, J.	Ogdahl	Sieloff	Wegener
Davies	Keefe, S.	Olhoft	Sikorski	Willet
Dieterich	Kleinbaum	Olson	Sillers	
Dunn	Knoll	Penny	Solon	
Engler	Knutson	Perpich	Spear	
Frederick	Laufenburger	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 804: A bill for an act relating to highway traffic regulations; driving under the influence of alcohol or controlled substances; chemical tests and consent therefor; providing for imme-

diate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary licenses under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245.

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 57 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Peterson	Staples
Ashbach	Gunderson	Lewis	Pillsbury	Strand
Bang	Hanson	Luther	Purfeerst	Stumpf
Bernhagen	Hughes	McCutcheon	Renneke	Tennessee
Brataas	Humphrey	Menriam	Schaaf	Ueland, A.
Chenoweth	Jensen	Moe	Schmitz	Ulland, J.
Chmielewski	Johnson	Nelson	Schrom	Vega
Coleman	Keefe, J.	Ogdahl	Setzepfandt	Wegener
Davies	Keefe, S.	Olhoft	Sikorski	Willet
Dunn	Kleinbaum	Olson	Sillers	
Engler	Knutson	Penny	Solon	
Frederick	Laufenburger	Perpich	Spear	

Messrs. Dieterich, Knoll and Sieloff voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 23: A bill for an act relating to workers' compensation; requiring an employer to furnish certain remodeling for a handicapped employee's residence; giving the council for the handicapped additional duties; amending Minnesota Statutes 1976, Chapter 176, by adding a section; and Section 256.482, Subdivision 5.

With the unanimous consent of the Senate, Mr. Chmielewski moved to amend the amendment to S. F. No. 23 adopted by the Senate April 23, 1977, as follows:

In the amendment to page 1, line 16, after "*employment*" strike "*of*" and insert "*with*"

The motion prevailed. So the amendment was adopted.

S. F. No. 23 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	Gunderson	Lessard	Peterson	Spear
Bang	Hanson	Lewis	Pillsbury	Staples
Bernhagen	Hughes	Luther	Purfeerst	Strand
Brataas	Humphrey	McCutcheon	Renneke	Stumpf
Chenoweth	Jensen	Merriam	Schaaf	Tennessen
Chmielewski	Johnson	Moe	Schmitz	Ueland, A.
Coleman	Keefe, J.	Nelson	Schrom	Ulland, J.
Dieterich	Keefe, S.	Ogdahl	Setzepfandt	Vega
Dunn	Kleinbaum	Olhoff	Sieloff	Wegener
Engler	Knoll	Olson	Sikorski	Willet
Frederick	Knutson	Penny	Sillers	
Gearty	Laufenburger	Perpich	Solon	

Mr. Ashbach voted in the negative.

So the bill, as amended, passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 557: A bill for act relating to highways; requiring reimbursement of fire fighting and protection expenses in certain instances.

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Perpich	Solon
Ashbach	Gearty	Laufenburger	Peterson	Spear
Bang	Gunderson	Lessard	Pillsbury	Staples
Bernhagen	Hanson	Luther	Purfeerst	Strand
Brataas	Hughes	McCutcheon	Renneke	Stumpf
Chenoweth	Humphrey	Merriam	Schaaf	Ueland, A.
Chmielewski	Jensen	Moe	Schmitz	Ulland, J.
Coleman	Johnson	Nelson	Schrom	Vega
Davies	Keefe, J.	Ogdahl	Setzepfandt	Wegener
Dieterich	Keefe, S.	Olhoff	Sieloff	Willet
Dunn	Kleinbaum	Olson	Sikorski	
Engler	Knoll	Penny	Sillers	

Messrs. Lewis and Tennessen voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 521: A bill for act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

With the unanimous consent of the Senate, Mr. Davies moved to amend S. F. No. 521 as follows:

Page 2, line 6, strike "at the"

Page 2, line 7, strike "*direction of*" and insert "*if directed to leave by*"

The motion prevailed. So the amendment was adopted.

Pursuant to Rule No. 9, there being three objectors, S. F. No. 521 was stricken from the Consent Calendar and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

S. F. No. 1286: A bill for act relating to Chisago county; authorizing the issuance of general obligation bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of such facilities.

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 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenbunger	Peterson	Spear
Ashbach	Gearty	Lessard	Pillsbury	Staples
Bang	Gunderson	Lewis	Purfeerst	Stokowski
Bernhagen	Hanson	Luther	Renneke	Strand
Brataas	Hughes	Merriam	Schaaf	Tennesen
Chenoweth	Humphrey	Moe	Schmitz	Ueland, A.
Chmielewski	Jensen	Nelson	Schrom	Ulland, J.
Coleman	Johnson	Ogdahl	Setzepfandt	Vega
Davies	Keefe, J.	Olhoft	Sieloff	Wegener
Dieterich	Kleinbaum	Olson	Sikorski	Willet
Dunn	Knoll	Penny	Sillers	
Engler	Knutson	Perpich	Solon	

So the bill passed and its title was agreed to.

H. F. No. 380: A bill for act relating to bicycles; registration; administration of the bicycle registration law; including unicycles within the definition of bicycle; clarifying provisions relating to bicycle registration; providing for the disposition of certain service fees charged in handling registrations; extending the time for the report of the commissioner of public safety to the legislature on recommendations for mandatory registration of bicycles; amending Minnesota Statutes 1976, Sections 168C.02, Subdivision 2; 168C.03; 168C.07; 168C.10; 168C.11, Subdivisions 1 and 2; 168C.-12; 168C.13, Subdivision 1; and Laws 1976, Chapter 199, Section 14, 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 52 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Lessard	Perpich	Staples
Ashbach	Gearty	Lewis	Pillsbury	Stokowski
Bang	Hanson	Luther	Purfeerst	Stumpf
Bernhagen	Hughes	Merriam	Renneke	Tennessen
Brataas	Humphrey	Milton	Schaaf	Ueland, A.
Chenoweth	Jensen	Moe	Schmitz	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Coleman	Keefe, J.	Ogdahl	Sikorski	Willet
Davies	Keefe, S.	Olhoft	Sillers	
Dieterich	Knoll	Olson	Solon	
Dunn	Laufenburger	Penny	Spear	

Those who voted in the negative were:

Gunderson	Knutson	Peterson	Sieloff	Strand
Kleinbaum	McCutcheon	Schrom		

So the bill passed and its title was agreed to.

S. F. No. 1387: A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Steele county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Penny	Solon
Ashbach	Gearty	Laufenburger	Perpich	Spear
Bang	Gunderson	Lessard	Peterson	Staples
Bernhagen	Hanson	Lewis	Pillsbury	Stokowski
Brataas	Hughes	Luther	Purfeerst	Strand
Chenoweth	Humphrey	McCutcheon	Renneke	Stumpf
Chmielewski	Jensen	Merriam	Schmitz	Tennessen
Coleman	Johnson	Moe	Schrom	Ueland, A.
Davies	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Dieterich	Keefe, S.	Ogdahl	Sieloff	Vega
Dunn	Kleinbaum	Olhoft	Sikorski	Wegener
Engler	Knoll	Olson	Sillers	Willet

So the bill passed and its title was agreed to.

S. F. No. 1164: A bill for an act relating to Olmsted county; permitting sidewalk and related improvements to be financed by special assessment.

With the unanimous consent of the Senate, Mrs. Brataas moved to amend S. F. No. 1164 as follows:

Page 1, line 14, strike "Sec. 2. This act" and insert "This section"

Page 1, after line 16, insert:

"Sec. 2. Notwithstanding Minnesota Statutes, Section 415.11, Subdivision 2, salaries established by ordinance of the city of Rochester for the mayor and aldermen for the years 1977 and 1978 shall be effective retroactively to April 4, 1977. This section is effective the day following final enactment."

Amend the title as follows:

Line 4, before the period insert “; Rochester city officials’ salaries”

The motion prevailed. So the amendment was adopted.

S. F. No. 1164: A bill for an act relating to Olmsted county; permitting sidewalk and related improvements to be financed by special assessment; Rochester city officials’ salaries.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Solon
Ashbach	Gearty	Lessard	Peterson	Spear
Bang	Gunderson	Lewis	Pillsbury	Staples
Bernhagen	Hanson	Luther	Purfeerst	Stokowski
Brataas	Hughes	McCutcheon	Renneke	Strand
Chenoweth	Humphrey	Merriam	Schaaf	Stumpf
Chmielewski	Johnson	Moe	Schmitz	Tennessen
Coleman	Keefe, J.	Nelson	Schrom	Ueland, A.
Davies	Keefe, S.	Ogdahl	Setzpfandt	Ulland, J.
Dieterich	Kleinbaum	Olhoff	Sieloff	Vega
Dunn	Knoll	Olson	Sikorski	Wegener
Engler	Knutson	Penny	Sillers	Willet

So the bill, as amended, passed and its title was agreed to.

S. F. No. 3: A bill for an act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician’s trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil liability for paramedics and physicians advising or instructing paramedics.

Was read the third time and placed on its final passage.

Those who voted in the affirmative were:

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Anderson	Gearty	Laufenburger	Perpich	Solon
Ashbach	Gunderson	Lessard	Peterson	Spear
Bang	Hanson	Lewis	Pillsbury	Staples
Bernhagen	Hughes	Luther	Purfeerst	Stokowski
Brataas	Humphrey	McCutcheon	Renneke	Strand
Chmielewski	Jensen	Merriam	Schaaf	Stumpf
Coleman	Johnson	Moe	Schmitz	Tennessen
Davies	Keefe, J.	Nelson	Schrom	Ueland, A.
Dieterich	Keefe, S.	Ogdahl	Setzpfandt	Ulland, J.
Dunn	Kleinbaum	Olhoff	Sieloff	Vega
Engler	Knoll	Olson	Sikorski	Wegener
Frederick	Knutson	Penny	Sillers	Willet

So the bill passed and its title was agreed to.

S. F. No. 1103: A bill for an act relating to counties; providing for county appropriations for patrol of county highways and roads;

eliminating the restriction on the Hennepin county board of commissioners in relation thereto; amending Minnesota Statutes 1976, Section 375.46, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Perpich	Spear
Ashbach	Gunderson	Lessard	Pillsbury	Staples
Bang	Hanson	Lewis	Purfeerst	Stokowski
Bernhagen	Hughes	Luther	Renneke	Strand
Brataas	Humphrey	McCutcheon	Schaaf	Stumpf
Chenoweth	Jensen	Merriam	Schmitz	Tennessee
Chmielewski	Johnson	Moe	Schrom	Ueland, A.
Coleman	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Davies	Keefe, S.	Ogdahl	Sieloff	Vega
Dunn	Kleinbaum	Olhoft	Sikorski	Wegener
Engler	Knoll	Olson	Sillers	Willet
Frederick	Knutson	Penny	Solon	

Mr. Peterson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 880: A bill for an act relating to towns; granting certain towns the powers of statutory cities.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Pillsbury	Stokowski
Ashbach	Gunderson	Lewis	Purfeerst	Strand
Bang	Hanson	Luther	Renneke	Stumpf
Bernhagen	Hughes	McCutcheon	Schaaf	Tennessee
Brataas	Humphrey	Merriam	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Schrom	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Vega
Coleman	Keefe, J.	Ogdahl	Sieloff	Wegener
Davies	Keefe, S.	Olhoft	Sikorski	Willet
Dieterich	Kleinbaum	Olson	Sillers	
Dunn	Knoll	Penny	Solon	
Engler	Knutson	Perpich	Spear	
Frederick	Laufenburger	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 1385: A bill for an act relating to the city of Saint Paul and county of Ramsey; providing for a division of costs to maintain the joint court house and city hall.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Peterson	Staples
Ashbach	Gunderson	Lewis	Pillsbury	Stokowski
Bang	Hanson	Luther	Purfeerst	Strand
Bernhagen	Hughes	McCutcheon	Renneke	Stumpf
Brataas	Humphrey	Merriam	Schaaf	Tennessen
Chenoweth	Jensen	Milton	Schmitz	Ueland, A.
Chmielewski	Johnson	Moe	Schrom	Ulland, J.
Coleman	Keefe, J.	Nelson	Setzepfandt	Vega
Davies	Keefe, S.	Ogdahl	Sieloff	Wegener
Dieterich	Kleinbaum	Olhoft	Sikorski	Willet
Dunn	Knoll	Olson	Sillers	
Engler	Knutson	Penny	Solon	
Frederick	Laufenburger	Perpich	Spear	

So the bill passed and its title was agreed to.

S. F. No. 111: A bill for an act relating to the firemen's relief association of the city of Centerville, computation of years of service for volunteer firemen.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Peterson	Staples
Ashbach	Gunderson	Lewis	Pillsbury	Stokowski
Bang	Hanson	Luther	Purfeerst	Strand
Bernhagen	Hughes	McCutcheon	Renneke	Stumpf
Brataas	Humphrey	Merriam	Schaaf	Ueland, A.
Chenoweth	Jensen	Milton	Schmitz	Ulland, J.
Chmielewski	Johnson	Moe	Schrom	Vega
Coleman	Keefe, J.	Nelson	Setzepfandt	Wegener
Davies	Keefe, S.	Ogdahl	Sieloff	Willet
Dieterich	Kleinbaum	Olhoft	Sikorski	
Dunn	Knoll	Olson	Sillers	
Engler	Knutson	Penny	Solon	
Frederick	Laufenburger	Perpich	Spear	

Mr. Tennessen voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1331: A bill for an act relating to the city of Litchfield; firemen's service pensions; validation of certain prior payments.

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 56 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Pillsbury	Stokowski
Bang	Gunderson	Lessard	Purfeerst	Strand
Bernhagen	Hanson	Luther	Renneke	Stumpf
Brataas	Hughes	McCutcheon	Schmitz	Ueland, A.
Chenoweth	Humphrey	Milton	Schrom	Ulland, J.
Chmielewski	Jensen	Moe	Setzepfandt	Vega
Coleman	Johnson	Nelson	Sieloff	Wegener
Davies	Keefe, J.	Ogdahl	Sikorski	Willet
Dieterich	Keefe, S.	Olhoft	Sillers	
Dunn	Kleinbaum	Penny	Solon	
Engler	Knoll	Perpich	Spear	
Frederick	Knutson	Peterson	Staples	

Messrs. Merriam, Schaaf and Tennesen voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1298: A bill for an act relating to employments licensed by state; exempting registered professional engineers from water well contractor licensing provisions; amending Minnesota Statutes 1976, Section 156A.03, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Pillsbury	Stokowski
Ashbach	Gunderson	Lewis	Purfeerst	Strand
Bang	Hanson	Luther	Renneke	Stumpf
Bernhagen	Hughes	Merriam	Schaaf	Tennesen
Brataas	Humphrey	Milton	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Schrom	Ulland, J.
Chmielewski	Johnson	Nelson	Setzepfandt	Vega
Coleman	Keefe, J.	Ogdahl	Sieloff	Wegener
Davies	Keefe, S.	Olhoft	Sikorski	Willet
Dieterich	Kleinbaum	Olson	Sillers	
Dunn	Knoll	Penny	Solon	
Engler	Knutson	Perpich	Spear	
Frederick	Laufenburger	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 1039: A bill for an act relating to retirement; firemen's pensions in the cities of Eveleth and Two Harbors; consolidation of the police and firemen's relief associations in the city of Eveleth into the public employees police and fire fund; amending Laws 1935, Chapter 208, Section 11, as added and amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lewis	Pillsbury	Stokowski
Ashbach	Hanson	Luther	Purfeerst	Strand
Bang	Hughes	McCutcheon	Renneke	Stumpf
Bernhagen	Humphrey	Merriam	Schaaf	Tennessee
Brataas	Jensen	Milton	Schmitz	Ueland, A.
Chenoweth	Johnson	Moe	Schrom	Ulland, J.
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Vega
Davies	Keefe, S.	Ogdahl	Sieloff	Wegener
Dieterich	Kleinbaum	Olhoft	Sikorski	Willet
Dunn	Knoll	Olson	Sillers	
Engler	Knutson	Penny	Solon	
Frederick	Laufenburger	Perpich	Spear	
Gearty	Lessard	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 1415: A bill for an act relating to Independent School District 625; providing for the severance pay of employees.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Penny	Sillers
Bang	Gunderson	Laufenburger	Perpich	Solon
Bernhagen	Hanson	Lessard	Peterson	Spear
Brataas	Hughes	Lewis	Pillsbury	Staples
Chenoweth	Humphrey	Luther	Purfeerst	Stokowski
Chmielewski	Jensen	McCutcheon	Renneke	Strand
Coleman	Johnson	Merriam	Schmitz	Stumpf
Dieterich	Keefe, J.	Moe	Schrom	Ueland, A.
Dunn	Keefe, S.	Nelson	Setzepfandt	Vega
Engler	Kleinbaum	Olhoft	Sieloff	Wegener
Frederick	Knoll	Olson	Sikorski	Willet

Messrs. Schaaf, Tennessee and Ulland, J. voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 489: A bill for an act relating to legal newspapers; simplifying procedures for receiving reimbursement for publication of proposed constitutional amendments; amending Minnesota Statutes 1976, Section 3.22.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chenoweth	Engler	Humphrey	Kleinbaum
Ashbach	Chmielewski	Frederick	Jensen	Knoll
Bang	Coleman	Gearty	Johnson	Knutson
Bernhagen	Dieterich	Gunderson	Keefe, J.	Laufenburger
Brataas	Dunn	Hanson	Keefe, S.	Lessard

Lewis	Olhoft	Renneke	Sillers	Tennessee
Luther	Olson	Schaaaf	Solon	Ueland, A.
McCutcheon	Penny	Schmitz	Spear	Ulland, J.
Merriam	Perpich	Schrom	Staples	Vega
Moe	Peterson	Setzepfandt	Stokowski	Wegener
Nelson	Pillsbury	Sieloff	Strand	Willet
Ogdahl	Purfeerst	Sikorski	Stumpf	

So the bill passed 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. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

H. F. No. 229: A bill for an act providing for withholding of pay to residents for active service as members of the armed forces; amending Minnesota Statutes 1976, Section 290.92, Subdivisions 1 and 16.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 928: A bill for an act relating to taxation; providing for increased withholding based on itemized deductions; amending Minnesota Statutes 1976, Section 290.92, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 290.92, Subdivision 5, is amended to read:

Subd. 5. [EXEMPTIONS.] (1) Entitlement. An employee receiving wages shall on any day be entitled to the following withholding exemptions:

(a) One exemption for himself;

(b) One additional exemption for himself, if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable a credit for the taxable year under section 290.06, subdivision 3(4) (a) or (c) for having attained the age of 65 before the close of such year;

(c) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to exist a credit for the taxable year under section 290.06,

subdivision 3(4) (b) or (c) for being blind at the close of such year;

(d) If the individual is married, any exemption to which his spouse is entitled, or would be entitled, under subparagraph (a), (b) or (c), if such spouse were an employee receiving wages, but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption;

(e) One dependent exemption for each dependent as that term is defined in section 290.06, subdivision 3(3).

(2) Withholding exemption certificate. Every employee shall, on or before October 1, 1961, or before the date of commencement of employment, whichever is the later, furnish his employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled.

(3) Effective date of exemption certificate. Withholding exemption certificates shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished. Certificates furnished before October 1, 1961 shall be considered as furnished on that date.

(4) New exemption certificate. A withholding exemption certificate which takes effect under this subdivision shall continue in effect with respect to the employer until another such certificate takes effect under this subdivision. If a withholding exemption certificate is furnished to take the place of an existing certificate, the employer, at his option, may continue the old certificate in force with respect to all wages paid on or before the first status determination date, January 1 or July 1, which occurs at least 30 days after the date on which such new certificate is furnished.

(5) Change of number to reflect next tax year. If, on any day during the calendar year, the number of withholding exemptions to which the employee may reasonably be expected to be entitled at the beginning of his next taxable year is different from the number to which the employee is entitled on such day, the employee shall in such cases and at such times as the commissioner may prescribe, furnish the employer with a withholding exemption certificate relating to the number of exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he may reasonably be expected to be so entitled. Exemption certificates issued pursuant to this paragraph shall not take effect with respect to any payment of wages made in the calendar year in which the certificate is furnished.

(6) Change of number. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall,

within ten days thereafter, furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is greater than the number of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day.

(7) Form of certificate. Withholding exemption certificates shall be in such form and contain such information as the commissioner may by regulation prescribe.

(8) *Notwithstanding the provisions of this subdivision, an employee may elect to claim the same number of withholding exemptions that the employee claims for federal withholding purposes.*

Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 2, strike "providing for increased" and insert "altering the requirements for claiming"

Page 1, line 3, strike "based on itemized deductions" and insert "exemptions"

Page 1, line 4, strike "by adding" and insert "Subdivision 5"

Page 1, line 5, strike "a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Without objection, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Mr. Moe, for the Committee on Finance, introduced—

S. F. No. 1467: A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1976, Sections 10.30; 16A.095, Subdivision 2; 16A.10, Subdivisions 1 and 2; 16A.11, Subdivisions 2 and 3; 43.09, Subdivision 2; 43.31; 98.46, by adding a subdivision; 168.33, Subdivisions 2 and 7; 176.602; 183.545, Subdivisions 1, 3 and 4; 183.57, Subdivision 2; 186.04; 260.311, Sub-

division 2; 268.06, Subdivision 25; 296.06, Subdivision 2; 296.12, Subdivision 1; 326.241, Subdivision 3; 362.125; 363.14, by adding a subdivision; 462.389, Subdivision 4; Chapter 16A, by adding a section; Laws 1971, Chapter 121, Section 2, as amended; and Laws 1976, Chapter 260, Section 3; repealing Minnesota Statutes 1976, Sections 15.61, Subdivision 3; 16.173; 16A.095, Subdivision 1; 16A.12 and 176.603.

Under the rules of the Senate, laid over one day.

RECESS

Mr. Coleman moved that the Senate do now recess until 1:30 o'clock p.m. The motion prevailed.

The hour of 1:30 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:

Bernhagen	Humphrey	Milton	Schmitz	Strand
Chmielewski	Johnson	Nelson	Setzpfandt	Stumpf
Coleman	Keefe, S.	Olson	Sieloff	Tennessen
Dieterich	Kleinbaum	Penny	Sikorski	Vega
Dunn	Laufenburger	Perpich	Sillers	Wegener
Gearty	Lewis	Peterson	Spear	Willet
Hanson	Luther	Pillsbury	Staples	
Hughes	Merniam	Schaaf	Stokowski	

The Sergeant at Arms was instructed to bring in the absent members.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to the Order of Business of Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 928 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. No. 229 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 558, 999, 833, 825, 963, 664, 426, 628, 233, 356, 1004, 39, 1064, 1028, 208, 368 and 541, which the committee recommends to pass.

S. F. No. 796, which the committee recommends to pass with the following amendment offered by Mr. Laufenburger:

Page 3, line 12, strike "practice" and insert "render"

S. F. No. 616, which the committee recommends to pass with the following amendment offered by Mr. Keefe, S.:

Page 3, line 3, after "a" insert "*business association where the stock certificates or other evidence of interest in the business have not been issued, or in a*"

Page 3, line 4, strike everything after "organization"

Page 3, line 5, strike everything before the comma

S. F. No. 760, which the committee recommends to pass, after the following motion:

Mr. Knutson moved to amend S. F. No. 760 as follows:

Page 2, line 16, strike the comma

Page 2, lines 17 to 19, strike the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 33, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Jensen	Lewis	Renneke
Bang	Frederick	Keefe, J.	Merriam	Sieloff
Bernhagen	Humphrey	Knutson	Pillsbury	Sillers
Brataas				

Those who voted in the negative were:

Coleman	Johnson	Moe	Schmitz	Strand
Davies	Keefe, S.	Nelson	Setzepfandt	Stumpf
Dietenich	Knoll	Nichols	Sikonaki	Tennessen
Gearty	Lessard	Penny	Solon	Vega
Gunderson	Luther	Perpich	Spear	Wegener
Hanson	McCutcheon	Purfeerst	Staples	
Hughes	Milton	Schaaf	Stokowski	

The motion did not prevail. So the amendment was not adopted.

S. F. No. 181, which the committee recommends to pass with the following amendments offered by Messrs. Stokowski and Ogdahl:

Mr. Stokowski moved to amend S. F. No. 181 as follows:

Page 5, after line 29, insert

“Sec. 5. Minnesota Statutes 1976, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of “public employee”:

(a) Elected or appointed officers and employees of elected officers.

(b) District court reporters.

(c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota ~~Municipalities~~ *Cities*.

(e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.

(f) Employees of a school district who receive separate salaries for driving their own buses.

(g) *Employees of the Association of Minnesota Counties.*

(h) *Employees of the Metropolitan Inter-County Council.*

(i) *Employees of the Minnesota Municipal Utilities Association.*

Sec. 6. Minnesota Statutes 1976, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of “public employee”:

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. ~~In the event such employees receive compensation on a monthly salary basis, each calendar month for which they are so paid shall constitute 20 working days; however,~~ Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$150 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, *and they shall remain members until termination of public service.*

(g) Parttime employees who receive monthly compensation not exceeding \$150, and parttime employees and elected officials whose annual compensation is stipulated in advance to be not more than \$1,800 per year, *except that members shall continue their membership until termination of public service.*

(h) Persons who first occupy an elected office after February 1, 1969, the compensation for which does not exceed \$150 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person *who belongs from contributing to the public employees retirement association from and also belonging to or contributing to a volunteer firemen's relief association that does not determine its benefits or contributions on the basis of the salary or compensation of the fireman another public pension fund for other service occurring during the same period of time.*

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) *Persons who make application to be exempted from membership in the public employees retirement association, due to membership in any religious organization which has been organized five years or more, and whose customs, rites or religious beliefs forbid their membership in any public retirement association, providing such persons file an application stating the applicable provisions of their religious organization, confirmed by such organization, and waive all claims for retirement annuities or benefits of any kind pursuant to this chapter Chaplains and nuns who have taken a vow of poverty as members of a religious order.*

(m) *Students who are occasionally employed part time by a governmental subdivision in any capacity and Full time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no full time public employees shall be exempt under this paragraph and any such employees presently exempt hereunder shall become members as of July 1, 1976.*

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

Sec. 7. Minnesota Statutes 1976, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, ~~the League of Minnesota Municipalities,~~ or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; or any soil conservation district organized pursuant to chapter 40; or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 Legislature.

Sec. 8. Minnesota Statutes 1976, Section 353.01, Subdivision 15, is amended to read:

Subd. 15. [DEPENDENT CHILD.] "Dependent child" means any natural or adopted child of a deceased member, provided such child is (a) under the age of 18, (b) age 18 through 21 and a full time student, and in either case unmarried and dependent for more than one-half of his support upon such member at the time of death and for not less than 90 days prior thereto; provided, ~~that effective retroactively to April 30, 1970 the child of a deceased member, who at the time of his death was receiving total and permanent disability benefits pursuant to section 353.33, shall be deemed dependent if he was dependent upon the decedent for more than one-half of his support during the 90 days prior to the decedent's becoming totally and permanently disabled ; except that no payment in behalf of such a dependent child shall commence prior to July 1, 1971 .~~ It also includes any child of the member conceived during his lifetime and born after his death ~~in any case where a member died after July 1, 1967 .~~ It also means any dependent child who is the subject of adoption proceedings filed by a member, and who within two years after death of the member, by judgment and decree duly entered, is adjudged to be the adopted child of the deceased member; subject, however, to the qualifying conditions of age and dependency aforesaid and the dependency of the child hereunder shall date from the decree of adoption.

Sec. 9. Minnesota Statutes 1976, Section 353.01, Subdivision 20, is amended to read:

Subd. 20. [DEPENDENT SPOUSE.] "Dependent spouse" means the unremarried spouse of a deceased member who was living with and ~~dependent for more than one-half of support upon~~ the member at the time of death, or at the time the member became totally and permanently disabled.

Sec. 10. Minnesota Statutes 1976, Section 353.27, Subdivision 4, is amended to read:

Subd. 4. [EMPLOYERS REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.] The head of each department is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries, and at the same time to issue or approve one voucher for the aggregate amount of the employer contributions and the additional employer contributions for the same period of employment as that covered by the employee contributions, and to cause the same to be remitted within 15 days thereafter to the executive director. The head of each department shall, for each pay period in which employee contributions are deducted, submit to the association a salary deduction report, in the form prescribed by the board of trustees, ~~or in lieu thereof a carbon or duplicate copy of departmental payroll abstract,~~ showing (a) the legal names and the association membership numbers, listed in alphabetical or association membership number sequence, of all members; (b) the legal names of all new public employees and the effective dates of appointment; (c) the amount of each salary deduction; (d) the amount of salary from which each deduction was made; (e) effective dates of all terminations of public service on account of members and if such terminations were caused by death or retirement, there shall be inserted after such date the applicable word, "death" or "retirement"; and (f) effective dates of all temporary layoffs and leaves of absence and if such leaves are sick leaves, there shall be inserted after such date the words, "sick leave." Additionally, reports of contributions shall be accompanied by a membership enrollment form for each new employee in the form prescribed by the board, and it shall be the responsibility of department heads to obtain such enrollment forms from new employees for prompt submission to the association. The employers shall furnish such additional reports or punch cards as may be requested by the association executive director.

Sec. 11. Minnesota Statutes 1976, Section 353.29, Subdivision 4, is amended to read:

Subd. 4. [APPLICATION FOR ANNUITY.] Application for retirement annuity may be made by a member or by someone authorized to act in his behalf. Every application for retirement, in the form prescribed by the board of trustees, shall be substantiated in writing by proof of ~~(a)~~ age of the employee ~~and~~ ~~(b)~~ his public service, which shall be submitted by the employee and employer, respectively.

Sec. 12. Minnesota Statutes 1976, Section 353.29, Subdivision 8, is amended to read:

Subd. 8. [ANNUITIES; PAYMENT; EVIDENCE OF RECEIPT.] Payment of any annuity or benefit for a given month shall be mailed by the association to the annuitant, recipient of a disability benefit, or survivor, during the first week of the next ensuing month. Evidence of receipt of every warrant issued by the association in payment of an annuity or benefit shall be

submitted by the payee thereof to the association quarterly beginning with the June, 1975 payments, together with a written declaration that the annuitant or recipient of a disability benefit has or has not returned to public service; that the surviving dependent spouse has or has not remarried; and shall be furnished on forms provided by the executive director thereof, before the association shall pay to the annuitant, disability recipient, or survivor for the next ensuing month, the annuity or benefit to which he otherwise may be entitled.

Sec. 13. Minnesota Statutes 1976, Section 353.31, Subdivision 8, is amended to read:

Subd. 8. [ACCRUAL OF BENEFITS.] All benefits under this section and survivor benefits otherwise provided in this chapter when payable to persons qualifying therefor shall accrue on the first day following the death of a "basic member" or annuitant, whichever is applicable. No payment may be made ~~(a)~~ retroactively for more than 12 months prior to that month in which the application is filed, ~~or (b) for the month, or any portion thereof, and no benefit shall accrue beyond the end of the month in which entitlement to such benefits has terminated. This subdivision shall have retroactive effect to January 1, 1969.~~

Sec. 14. Minnesota Statutes 1976, Section 353.32, Subdivision 7, is amended to read:

Subd. 7. [CERTAIN PAID PENALTIES.] A *member, former member, beneficiary, legal representative, or next of kin* shall be paid ~~on demand~~ the full amount of any additional penalty paid into the retirement fund by the *member, former member, or deceased member* in accordance with the provisions of Laws 1937, Chapter 466, Section 2; Laws 1947, Chapter 18, Section 2, or any rules made by the board of trustees pursuant to these laws, without interest thereon unless the additional penalty was previously refunded upon retirement of the said member *or former member*.

Sec. 15. Minnesota Statutes 1976, Section 353.33, Subdivision 1, is amended to read:

353.33 [TOTAL AND PERMANENT DISABILITY BENEFITS.] Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.] After June 30, 1973 any member who becomes totally and permanently disabled before age 65 and after ten years of allowable service or after age 50 *but before age 65* with five years of allowable service, whichever is sooner, shall be entitled to a disability benefit in an amount provided in subdivision 3. If such disabled person's public service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. Any member whose average salary is less than \$75 per month shall not be entitled to a disability benefit.

Sec. 16. Minnesota Statutes 1976, Section 353.33, Subdivision 9, is amended to read:

Subd. 9. [RETURN TO PUBLIC SERVICE.] Any person receiving a disability benefit who is restored to active public service except persons receiving benefits as provided in subdivision 7, shall have deductions taken for the retirement fund and upon subsequent retirement have his retirement annuity based upon all allowable service including that upon which the disability benefits were based. ~~No person shall be entitled to receive disability benefits and a retirement annuity at the same time.~~

Sec. 17. Minnesota Statutes 1976, Section 353.33, Subdivision 11, is amended to read:

Subd. 11. [RETIREMENT STATUS AT AGE 65.] No person shall be entitled to receive disability benefits and a retirement annuity at the same time. The disability benefits paid to a person hereunder shall terminate when he reaches age 65, if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status and may at his option be paid either a normal retirement annuity as provided in section 353.29 or normal retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever amount is greater. Any disabled person who becomes age 65 ~~after June 30, 1973,~~ shall have his annuity computed in accordance with the law in effect ~~on July 1, 1973 upon attainment of age 65~~. A person who elects an annuity under section 353.29 may, prior to age 65, select an optional annuity pursuant to section 353.30, subdivision 3.

Sec. 18. Minnesota Statutes 1976, Section 353.36, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS; INTEREST; MATCHING PAYMENT.] A person who has *at least one year of allowable service with the association and who has prior public service on which salary deductions were not taken for the retirement fund and who does not have the required minimum number of years of allowable service credit to qualify for an annuity,* may apply for such annuity if otherwise qualified, and within 90 days thereafter purchase whatever period of said public service is necessary to bring his total allowable service credit to said minimum, provided that last service shall be purchased first. Such person may gain such allowable service credit by paying six percent of the salary covered under the law in effect at the time that such public service was performed, with interest thereon at the rate of six percent per annum compounded annually from the date first payable to the date payment is made, plus a matching amount, unless the employer agrees to pay said matching amount pursuant to subdivision 2a. An annuity shall accrue as provided in section 353.29, subdivision 7, but no annuity shall be paid until the applicant's payment is made in full for the prior public service; if said payment is not made within such 90 days, the application for retirement shall be void.

Sec. 19. Minnesota Statutes 1976, Section 353.37, is amended to read:

353.37 [PUBLIC RE-EMPLOYMENT OF ANNUITANT.] *Subdivision 1. [EFFECT ON ANNUITIES.]* The annuity of a person otherwise eligible therefor under this chapter shall be suspended if he re-enters and as long as he remains in public service as a non-elective employee of a governmental subdivision, if his earned compensation for such service exceeds \$3,000 in any calendar year. The suspension of the annuity shall commence as of the first of the month in which the maximum permitted compensation is exceeded as herein provided, but shall not apply to any months in which the annuitant is not actually employed in non-elective service in a position covered by this chapter. Any annuitant of the association, who is elected to public office after his retirement following June 30, 1959 shall be entitled to hold such office and receive his annuity otherwise payable from the public employees retirement association from and after July 1, 1959. Upon proper showing by an annuitant that this ineligibility no longer exists, the monthly annuity payments shall be resumed. Public service performed by an annuitant subsequent to his retirement under this chapter does not increase or decrease any annuity when payments thereof are resumed. The annuitant is not required to make any further contributions to the retirement fund by reason of this subsequent public service.

Subd. 2. [EFFECT ON PROPORTIONATE ANNUITY.] Notwithstanding Minnesota Statutes, Section 356.32 or any other provision of law, persons employed by a governmental subdivision that requires termination of employment pursuant to a uniformly applied mandatory retirement policy or law in accord with said section may receive a proportionate annuity under said section, if qualified, even if they or others are employed as substitute employees after age 65. For the purpose of this section a substitute employee is one who earns less than \$3,000 in any calendar year.

Sec. 20. Minnesota Statutes 1976, Section 353.46, is amended by adding a subdivision to read:

Subd. 1a. [PURCHASE OF ALLOWABLE SERVICE; ANNUITY.] A person who purchased allowable service in the public employees retirement association for a period of time including June 30, 1957, but was not in fact a member of such association on June 30, 1957, shall not be entitled to receive retirement annuity computed under Minnesota Statutes 1957, Section 353.46, Subdivision 1, and laws amendatory thereto. This section shall have retroactive application to any such person receiving or found eligible by the district court to receive benefits calculated under section 353.46, subdivision 1, and laws amendatory thereto.

Sec. 21. Minnesota Statutes 1976, Section 353.651, Subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The average salary as defined in subdivision 2, multiplied by two and one-half percent per year of allowable service for the first 20 years and two percent per year of allowable service thereafter, shall determine the amount of the "normal" retirement annuity ; pro-

vided, however, if the annuity calculated hereunder is less than the annuity calculated under the law in effect on June 30, 1973, this latter amount shall be the "normal" annuity. If the member has earned allowable service for performing services other than those of a police officer or fire fighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30."

Page 8, line 8, strike "7" and insert "24"

Page 9, line 5, strike "Section" and insert "Sections 353.016; 353.018; 353.019,"

Page 9, line 6, strike ", is" and insert "; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5 are"

Renumber the sections

Amend the title as follows:

Page 1, line 7, after the semicolon insert "making miscellaneous changes in the public employees retirement association provisions;"

Page 1, line 9, after the semicolon insert "353.01, Subdivisions 2a, 2b, 6, 15, and 20;"

Page 1, line 10, after "1;" insert 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3;"

Page 1, line 12, strike "Section" and insert "Sections 353.016; 353.018; 353.019,"

Page 1, line 13, after "2a" insert "; 353.31; Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5"

Mr. Stokowski then moved to amend S. F. No. 181 as follows:

Page 3, lines 24, 27 and 29, strike "selection" and insert "election"

Page 3, line 28, strike the first "in" and insert "and"

Page 3, line 28, after "vacancies" insert a comma

Mr. Ogdahl moved to amend S. F. No. 181 as follows:

Page 1, after line 15, insert:

"Section 1. Minnesota Statutes 1976, Section 3A.04, Subdivision 1, is amended to read:

3A.04 [SURVIVOR BENEFIT.] Subdivision 1. [SURVIVING SPOUSE.] Upon the death of a member of the legislature while serving as such member after June 30, 1973, or upon the death of a former member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), the surviving spouse shall be paid a survivor benefit in the amount of one-half of the retirement allowance of the member of the legislature computed as though the member were at least age 60 on the date of his death and based upon his allowable service or eight

years whichever is greater. *The augmentation provided in section 3A.02, subdivision 4, if applicable, shall be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving spouse shall be entitled to one-half of the amount of the allowance being paid to the legislator. Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.*

Sec. 2. Minnesota Statutes 1976, Section 3A.04, is amended by adding a subdivision to read:

Subd. 1a. [INCREASE IN SURVIVOR BENEFITS.] Survivor benefits provided in subdivision 1 authorized and in effect on the effective date of this act shall be increased by 25 percent, effective retroactively to January 1, 1974, or the date the survivor benefit became payable, whichever is later."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 7, after "processes;" insert "survivor benefits for deceased legislators;"

Page 1, line 8, after "Sections" insert "3A.04, Subdivision 1, and by adding a subdivision;"

S. F. No. 410 which the committee reports progress, subject to the following motion:

Mr. Spear moved to amend S. F. No. 410 as follows:

Page 1, line 12, strike "defective or faulty workmanship,"

The motion prevailed. So the amendment was adopted.

S. F. No. 410 was then progressed.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

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 were referred

S. F. Nos. 397, 143, 1416, 1269, 1234, 1203, 324, 1302, 500, 1452, 1208, 734, 1191, 888, 521 and H. F. No. 598, makes the following report:

That S. F. Nos. 397, 143, 1416, 1269, 1234, 1203, 324, 1302, 500, 1452, 1208, 1191, 888, 521 and H. F. No. 598 be placed on the General Orders Calendar in the order indicated.

That S. F. No. 734 is being retained in the subcommittee.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

RECESS

Mr. Coleman moved that the Senate do now recess until 7:00 o'clock p.m. The motion prevailed.

The hour of 7:00 o'clock p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Hanson	Lewis	Penny	Stokowski
Bang	Hughes	McCutcheon	Perpich	Strand
Borden	Humphrey	Milton	Peterson	Vega
Brataas	Johnson	Moe	Setzepfandt	Wegener
Chmielewski	Keefe, S.	Nelson	Sikorski	Willet
Coleman	Kleinbaum	Nichols	Sillers	
Gearty	Laufenburger	Olhoft	Solon	
Gunderson	Lessard	Olson	Staples	

The Sergeant at Arms was instructed to bring in the absent members.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to the Order of Business of Messages from the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 482, 541, 763, 882, 1471, 1038, 1099, 1155, 1305, 676, 707, 993, 1161, 1469, 644, 809, 1095, 1113, 1208, 103, 492, 902, 937 and 1129.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 25, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 482: A bill for an act relating to education; teachers; interpreters for the deaf; including interpreters for the deaf in licensing requirements for teachers and interns under the jurisdiction of the board of teaching; amending Minnesota Statutes 1976, Section 125.185, Subdivision 4.

Referred to the Committee on Education.

H. F. No. 541: A bill for an act relating to labor; prohibiting the deduction of certain losses from wages without authorization

by the employee; providing a cause of action for wrongful deduction.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 410 now on General Orders.

H. F. No. 763: A bill for an act relating to labor; prohibiting certain terms in employment contracts relating to inventions by employees.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 208 now on the Calendar.

H. F. No. 882: A bill for an act relating to commerce; providing for disclosure of mileage traveled by motor vehicles; amending Minnesota Statutes 1976, Sections 168A.04, Subdivision 1; 168A.05, Subdivision 3; 168A.10, Subdivision 1; and 168A.11, Subdivisions 1 and 3.

Referred to the Committee on Commerce.

H. F. No. 1471: A bill for an act relating to aeronautics; requiring boards of adjustment to grant or deny applications for zoning variances within six months; authorizing the commissioner of transportation to develop an air transportation system; amending Minnesota Statutes 1976, Section 360.015, Subdivision 14; 360.017, Subdivision 1; and 360.067, Subdivision 2.

Referred to the Committee on Transportation.

H. F. No. 1038: A bill for an act relating to state lands; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Houston county.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1018.

H. F. No. 1099: A bill for an act relating to the city of Excelsior; proportionate service pensions and financing requirements of the firemen's relief association.

Referred to the Committee on Rules and Administration.

H. F. No. 1155: A bill for an act relating to the revisor of statutes; providing for engrossing and enrolling duties; clarifying disclosure of bill drafting records; amending Minnesota Statutes 1976, Sections 482.09; and 482.12, Subdivision 1.

Referred to the Committee on Governmental Operations.

H. F. No. 1305: A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitous and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision

2; 10.13; 15.55; 16A.129; 33.13; 38.02, Subdivision 2; 38.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2; 192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039; 353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

Referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

H. F. No. 676: A bill for an act relating to intoxicating liquor; civil liability for illegal sale, barter or gift thereof; amending Minnesota Statutes 1976, Sections 340.95 and 340.951.

Referred to the Committee on Judiciary.

H. F. No. 707: A bill for an act relating to taxation; changing certain procedures for objecting to real or personal property taxes; providing for city and town attorneys to handle prosecutions; amending Minnesota Statutes 1976, Sections 277.011, Subdivisions 1 and 5; 278.01 and 278.05.

Referred to the Committee on Rules and Administration.

H. F. No. 993: A bill for an act relating to taxation; providing an alternative tax on liquor in metric containers; authorizing commissioner of revenue to order metric conversion; increasing bonding requirements; defining certain responsibilities of commissioners of public safety and revenue; amending Minnesota Statutes 1976, Sections 299A.02, Subdivision 1; 340.44; 340.47, by adding subdivisions; 340.485, Subdivisions 1 and 2; 340.51; 340.54, Subdivision 1; and 340.55.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 1161: A bill for an act relating to education; correcting and eliminating certain erroneous and obsolete references and text relating to state universities and community colleges; amending Minnesota Statutes 1976, Sections 136.60, Subdivision 1, and by adding a subdivision; 136.603; 136.62, Subdivisions 1, 2 and 4; 136.621, Subdivision 1; repealing Minnesota Statutes 1976, Sec-

tions 136.016; 136.60, Subdivision 2; 136.601; 136.602; 136.62, Subdivision 3; 136.621, Subdivisions 2 and 3; and 136.66.

Referred to the Committee on Education.

H. F. No. 1469: A bill for an act relating to transportation; extending the time for submission by the commissioner of certain proposals relating to certain modes of transportation; amending Minnesota Statutes 1976, Section 174.06, Subdivision 7.

Referred to the Committee on Rules and Administration.

H. F. No. 644: A bill for an act relating to public welfare; general assistance work programs; providing authority for local agencies to contract with nonprofit organizations for work program services; amending Minnesota Statutes 1976, Section 256D.11, Subdivision 4.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 809: A bill for an act changing the boundary line between Lac qui Parle county and Big Stone county; amending Laws 1937, Chapter 423, Section 1.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 952, now on the Consent Calendar.

H. F. No. 1095: A bill for an act relating to public health; requiring medical malpractice information from insurers; granting subpoena power to the board of medical examiners; amending Minnesota Statutes 1976, Section 147.072.

Referred to the Committee on Commerce.

H. F. No. 1113: A bill for an act relating to welfare; clarifying the powers of guardianship by the commissioner; amending Minnesota Statutes 1976, Sections 252A.02, Subdivision 2; 252A.03, Subdivision 3; 252A.04, Subdivision 3; 252A.07, Subdivision 1; and 252A.18; repealing Minnesota Statutes 1976, Section 252.03.

Referred to the Committee on Judiciary.

H. F. No. 1208: A bill for an act relating to commerce; regulating mobile home lot payments; prohibiting entrance fees; specifying required notice for termination of tenancies; amending Minnesota Statutes 1976, Sections 327.43, Subdivision 1; and 327.44.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 999, now on the Calendar.

H. F. No. 103: A bill for an act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 521, now on General Orders.

H. F. No. 492: A bill for an act relating to the city of Winona; placing the chief of police under the public employees police and fire fund.

Referred to the Committee on Governmental Operations.

H. F. No. 902: A bill for an act relating to state finance, authorizing payments pursuant to grievance resolutions; amending Minnesota Statutes 1976, Section 16A.17, Subdivision 7.

Referred to the Committee on Governmental Operations.

H. F. No. 937: A bill for an act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

Referred to the Committee on Local Government.

H. F. No. 1129: A bill for an act relating to Ramsey county; codifying existing laws relating to the composition, terms, selection and redistricting of the board of commissioners; providing for the time and place of certain board meetings; authorizing rules of procedure and the keeping and publication of a board journal; amending Laws 1974, Chapter 435, Section 2.05, and by adding sections; repealing Laws 1974, Chapters 435, Sections 2.01, 2.02 and 2.06; and 576, Section 2, Subdivisions 1, 2, 3 and 5.

Referred to the Committee on Local Government.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 263: A bill for an act relating to natural resources; restricting acquisition of agricultural land for inclusion in the Richard J. Dorer Memorial Hardwood Forest.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [RICHARD J. DORER MEMORIAL HARDWOOD FOREST; SALE OF TILLABLE LAND.] *Subdivision 1. Acquisition of land for the Richard J. Dorer Memorial Hardwood Forest has resulted in state purchase of abnormally large amounts of tillable land because of the state's unique goal of acquiring forest land in steep hillsides and the frequent desire of landown-*

ers to sell their entire farm. This requires a special procedure to mandate and facilitate disposal of this agricultural land by the state.

Subd. 2. If a land purchase in the Richard J. Dorer Memorial Hardwood Forest, created pursuant to Minnesota Statutes, Section 89.021, Subdivision 33, contains more than five contiguous acres of tillable land adjacent to other privately owned tillable land or to a public road, the commissioner shall offer the tillable land in that parcel for sale or exchange for three years thereafter pursuant to this section. Tillable acres are those included in classes 1, 2, 3, or 4 as defined by the United States soil conservation service. In making the determination of classification, the commissioner shall consult with and obtain the opinion of the soil conservation service and any appropriate soil and water conservation district. "Commissioner" for the purposes of this section means the commissioner of the department of natural resources.

Subd. 3. Notwithstanding other laws to the contrary, disposition of lands pursuant to this section shall be in accordance with the procedures specified in this section. All parcels required to be offered for sale pursuant to this section shall be first offered for sale not less than six months after acquisition by the state and at least once thereafter in each of the next two succeeding years. Lands shall be offered for sale and sold by the commissioner of administration for the commissioner pursuant to the procedures specified in Minnesota Statutes, Sections 94.10 to 94.14, except that no offer to any public body shall be required prior to sale to the public and only 50 percent of the cost of any survey or appraisal shall be included in the appraised value. Not more than 300 acres in any county shall be sold under the procedures established by this section. If the commissioner determines that any additional lands should be sold or otherwise disposed of, their disposal shall be governed by the procedures and conditions otherwise established by law.

Subd. 4. Land exchanges shall be pursuant to the procedures specified in Minnesota Statutes, Sections 94.341 to 94.348.

Subd. 5. Any money which is derived from the sale of the parcels of state forest land pursuant to this section and which is required by any other law to be deposited in the general fund of the state treasury shall be credited to the Richard J. Dorer Memorial Hardwood Forest land acquisition account, which is hereby created in the state treasury. All of the money in the state treasury credited to this account is annually appropriated to the commissioner for the purpose of acquiring additional land within the Richard J. Dorer Memorial Hardwood Forest.

Subd. 6. Notwithstanding any law to the contrary neither the state nor any of its political subdivisions shall be required to construct or maintain any street, highway or other road to provide access to any parcel of land sold pursuant to this section.

Sec. 2. Minnesota Statutes 1976, Section 89.036, is amended to read:

89.036 [FUNDS APPORTIONED TO COUNTY.] The state of Minnesota shall hereafter annually on July 1 or as soon thereafter as may be practical, pay from the state forest fund to each county, in which there now are, or hereafter shall be situated, any state forests, a sum equal to 50 75 percent of the gross receipts of such state forests located within such county, which have been received during the preceding fiscal year and credited to the state forest fund, which payment shall be received and distributed by the county treasurer, as if such payment had been received as taxes on such lands payable in the current year.

After making such payment to the county, the balance of said funds in the state forest fund on July 1 shall be transferred and credited to the general fund of the state.

The commissioner of finance shall annually draw his warrants upon the state treasurer for the proper amounts in favor of the respective counties entitled thereto and the state treasurer shall pay such warrants from the state forest fund.

The commissioner of finance and the state treasurer shall, and are hereby authorized and empowered to devise, adopt, and use such accounting methods as they may deem proper, and to do any and all other things reasonably necessary in carrying out the provisions of this section.

There is hereby appropriated to the counties entitled to such payment, from the state forest fund in the state treasury, an amount sufficient to make the payments specified herein.

Sec. 3. [EFFECTIVE DATE; EXPIRATION OF TEMPORARY PROVISIONS.] *This act is effective July 1, 1977. Section 1 expires June 30, 1979.*"

Amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to state forests; increasing state payments in lieu of taxes to counties; establishing procedures for disposal of excess agricultural land in the Richard J. Dorer Memorial Hardwood Forest; amending Minnesota Statutes 1976, Section 89.036."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 788: A bill for an act relating to taxation; providing an additional tax on gasoline and special fuel; directing that the additional tax be used for solar energy research; providing an appropriation; proposing a constitutional amendment to Article XIV, Section 5 and 10 to allow such a use of tax revenue; amending Minnesota Statutes 1976, Section 296.18, Subdivisions 4 and 5; and Chapter 296, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "SOLAR" and insert "ALTERNATIVE"

Page 1, line 15, after "RESEARCH" insert "AND DEVELOPMENT"

Page 1, line 20, strike "SOLAR" and insert "ALTERNATIVE"

Page 1, line 20, after "RESEARCH" insert "AND DEVELOPMENT"

Page 2, line 1, strike "solar" and insert "alternative"

Page 2, line 1, after "research" insert "and development"

Page 2, line 3, strike "solar" and insert "alternative"

Page 2, line 3, after "research" insert "and development"

Page 2, line 8, strike "solar" and insert "alternative"

Page 2, line 8, after "research" insert "and development"

Page 2, line 11, strike "3" and insert "4"

Page 2, line 13, strike "use" and insert "distribute"

Page 2, line 13, strike "solar" and insert "alternative"

Page 2, line 14, after "research" insert "and development"

Page 2, line 15, strike "to fund solar" and insert "as provided in section 2."

Page 2, strike lines 16 through 19 and insert:

"Sec. 2. [APPROPRIATIONS.] Subdivision 1. Fifty percent of the alternative energy research and development tax fund is appropriated to the director of the housing finance agency to be distributed as home improvement loans pursuant to section 462A.05, subdivision 14. The loans are to be used for the purpose of equipping homes with a solar energy system as defined in section 116H.02, subdivision 11.

Subd. 2. Twenty-five percent of the alternative energy research and development tax fund is appropriated to the director of the energy agency to fund solar energy research and development projects. The director shall promulgate guidelines for the solar research and development program pursuant to chapter 15.

Subd. 3. Twenty-five percent of the alternative energy research and development tax fund is appropriated to the director of the energy agency to fund research and development projects on underground buildings and alternative energy other than solar energy. The director shall promulgate rules for the alternative energy research and development program pursuant to chapter 15.

Subd. 4. There are annually appropriated from the general fund sums needed to carry out the provisions of sections 1 to 4."

Page 5, line 7, strike "solar" and insert "alternative"

Page 5, line 7, after "research" insert "and development"

Page 5, line 13, strike "solar" and insert "alternative"

Page 5, line 14, after "research" insert "and development"

Page 5, line 18, strike "3" and insert "4"

Page 5, line 21, strike "4 and 5" and insert "5 and 6"

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 4, strike "solar" and insert "alternative"

Page 1, line 4, after "research" insert ", development and low cost home loans"

And when so amended the bill do pass and be re-referred to the Committee on Transportation. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 698: A bill for an act relating to insurance companies; simplifying language and removing obsolete provisions; clarifying ambiguities; establishing certain responsibilities; requiring performance bonds for certain corporate officers and employees; increasing certain fees; increasing certain capitalization and reserve requirements; providing certain restrictions; authorizing mutual companies to write certain additional kinds of insurance; prescribing certain penalties; amending Minnesota Statutes 1976, Sections 60A.07, Subdivisions 5d and 11; 60A.09, Subdivision 1; 60A.10, Subdivision 1; 60A.11, Subdivision 2; 60A.12, Subdivision 5; 60A.19, Subdivision 1; 60A.23, Subdivision 7; 60C.06, Subdivision 1; 61A.33; 61A.40; 66A.08, Subdivision 1; 66A.09; 66A.10; 66A.16, Subdivision 2; repealing Minnesota Statutes 1976, Sections 60A.12, Subdivision 6; and 63.36.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 2, after "a" insert "*fidelity*"

Page 3, line 3, strike "*to secure the proper performance of*" and insert "*for*"

Page 9, line 8, after "*expenses*" insert "*incurred*"

Page 9, line 20, after "*policies*" insert "*during each of the three years immediately preceding the date of the statement*"

Page 9, line 23, reinstate the stricken "*liability*"

Page 9, line 24, strike "*from the liability policies written during the*" and insert "*for each of the three corresponding years*"

Page 9, line 25, strike "*three years*"

Page 9, line 26, strike "*those*" and insert "*claims incurred during each of those years*"

Page 9, line 27, strike "liability policies"

Page 9, line 32, after "*expenses*" insert "*incurred*"

Page 10, line 14, strike "of" before "each" and insert "*for*"

Page 10, line 16, after "in" insert "*each of*"

Pages 13 and 14, strike section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, strike "61A.33;"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 403: A bill for an act relating to licensing boards; providing for reissuance of licenses from the board of architecture, engineering, land surveying and landscape architecture; amending Minnesota Statutes 1976, Section 326.11, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after "been" insert "*suspended or*"

Page 1, line 15, strike "*, which application may not be*"

Page 1, strike lines 16 and 17, except the period

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 784: A bill for an act relating to insurance; increasing solicitors license fees; establishing a duty of reasonable supervision for those employing agents; authorizing issuance of cease and desist orders and injunctions; prescribing and clarifying penalties; amending Minnesota Statutes 1976, Sections 60A.17, Subdivision 4, and by adding subdivisions; and 72A.07.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, strike section 2

Page 2, line 29, strike "*5b*" and insert "*5a*"

Page 4, line 9, after "*Revoke*" insert "*or suspend*"

Renumber the sections

Amend the title as follows:

Page 1, line 3, strike everything after the semicolon

Page 1, strike line 4

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 581: A bill for an act relating to insurance; regulating licensing procedures; amending Minnesota Statutes 1976, Section 60A.17, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 26, before the period insert "*, except that it shall not apply to licenses or renewals of licenses granted before January 1, 1978*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1338: A bill for an act relating to automobile insurance; clarifying certain ambiguous provisions in the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1976, Sections 65B.44, Subdivision 3; 65B.49, Subdivisions 4 and 6; 65B.51, Subdivision 1; and 65B.53, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1291: A bill for an act relating to venue for cases involving maltreatment of minors; amending Minnesota Statutes 1976, Chapter 627, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "*and*"

Page 1, line 11, strike "*punished*"

Page 1, line 11, strike "*shall*"

Page 1, line 12, strike "*have*"

Page 1, line 12, strike "*may be*" and insert "*is*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 798: A bill for an act relating to worker's compensation; providing that persons assisting law enforcement officials may be eligible for benefits; amending Minnesota Statutes 1976, Section 176.011, Subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, after "*process*" insert "*in which case, for purposes of calculating compensation payable under this chapter, the daily wage of the person requested or commanded to assist an officer or to execute a legal process shall be the prevailing wage for similar services where the services are performed by paid employees*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 1311: A bill for an act relating to public employees; excluding supervisory employees from certain bargaining units; amending Minnesota Statutes 1976, Section 179.65, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after the period insert "*Units of supervisory or confidential employees, or principals or assistant principals shall not participate in any joint negotiations which involve the participation of units of employees other than supervisory or confidential employees, or principals or assistant principals.*"

Amend the title as follows:

Page 1, line 2, strike "excluding" and insert "permitting affiliation of supervisory and confidential employees, principals and assistant principals in certain bargaining"

Page 1, strike line 3

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 962: A bill for an act relating to public employees; designating the number of arbitrators to resolve labor dispute; amending Minnesota Statutes 1976, Section 179.72, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 8 to 12, restore the stricken language

Page 2, line 11, strike the reinstated "\$100" and insert "\$160"

Page 2, line 14, after the period insert "*In those cases where*

a single arbitrator is hearing a dispute, the fees, expenses and costs of the arbitrator shall be shared and assessed equally by the parties to the dispute."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was re-referred

S. F. No. 930: A bill for an act relating to unemployment compensation; providing for the assignment of veterans employment representatives; amending Minnesota Statutes 1976, Section 268.14, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "*Except*"

Page 1, lines 11 and 12, strike "*lack of*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1172: A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for hearing examiners, subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, after the period insert "*For purposes of subdivision 3,*"

Page 1, line 28, after the comma insert "*and*"

Page 1, line 28, after "*commission*" strike "*and*" and insert "*. For purposes of subdivisions 3 and 4, "agency" also means*"

Page 9, line 5, strike "*15.01*" and insert "*15.0411*"

Page 9, line 27, strike "*office of hearing examiners or the*" and insert "*chief*"

Page 9, line 28, strike "*before whom a hearing is held*"

Page 10, after line 18, insert:

"Sec. 11. [TEMPORARY PROVISION.] *Section 1 shall not be construed to apply to agency statements of general applicability and future effect which were adopted by an agency prior to July 1, 1977, and which were not required to be adopted as rules prior to the effective date of this act. Section 1 shall apply, however, to the amendment, suspension or repeal of an agency statement adopted prior to July 1, 1977.*"

Renumber the remaining section

Amend the title as follows:

Page 1, line 12, strike "hearing examiners,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1290: A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "either"

Page 1, line 14, after "found" insert ", in the county of his residence,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 433: A bill for an act relating to public welfare; classifying data; defining terms; amending Minnesota Statutes 1976, Section 15.162, Subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. "Confidential data on individuals" means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency. Confidential data on individuals does not include arrest information

that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant an emergency classification pursuant to section 15.1642 of both criminal and civil investigative data, or on June 30, 1977 1978, whichever occurs first."

Amend the title as follows:

Page 1, line 2, strike "public welfare; classifying"

Page 1, line 2, after the semicolon insert "extending the period during which investigative data is classified as confidential"

Page 1, line 3, strike "defining terms"

Page 1, line 4, strike "5" and insert "2a"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 797: A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 3, strike "(a)"

Page 5, line 6, after "connection" insert a comma

Page 5, line 6, after "whether" insert "by"

Page 5, line 7, strike the second comma and insert a semicolon

Page 5, line 9, after "microwave" insert "equipment"

Page 5, line 11, strike "; or" and insert a period

Page 5, after line 11 insert:

"Sec. 2. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.80] [INTERFERING WITH CABLE COMMUNICATIONS SYSTEMS.] *Whoever does any of the following is guilty of a misdemeanor:*"

Page 5, line 12, strike "(b)" and insert "(1)"

Page 5, lines 14 and 23, strike "communication" and insert "communications"

Page 5, line 17, strike "said" and insert "an"

Page 5, line 19, strike "(c)" and insert "(2)"

Page 5, line 20, strike "microwave"

Page 5, line 22, strike "(d)" and insert "(3)"

Page 5, line 24, strike "without the consent of the owner"

Amend the title as follows:

Page 1, line 6, after "2" and before the period insert "; and Chapter 609, by adding a section"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1258: A bill for an act relating to the uniform commercial code; providing for the appropriation of the proceeds of bulk transfers; providing for the payment of creditors; amending Minnesota Statutes 1976, Sections 336.6-107; 336.6-108; and 336.6-109; and Chapter 336 by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 12, after "PROTECTED" insert "; CREDIT FOR PAYMENT TO PARTICULAR CREDITORS"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was re-referred

S. F. No. 442: A bill for an act relating to county planning and zoning; providing for enforcement of certain subdivision regulations by providing for review of conveyancing instruments by an administrative officer after recording; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, after "notice" insert "by mail"

Page 2, line 4, after the first "the" insert "potential"

Page 2, line 5, strike ", and shall file a certificate of noncompliance"

Page 2, strike line 6 except for the period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 977: A bill for an act relating to marriage; requiring the clerk of court to furnish certified copies of marriage license; amending Minnesota Statutes 1976, Section 517.08, Subdivision 3; and Chapter 517, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 517.08, Subdivision 1, is amended to read:

517.08 [APPLICATION FOR LICENSE.] Subdivision 1. Application for a marriage license shall be made at least five days before a license shall be issued. Such application shall be made upon a form provided for the purpose and shall contain the full names of the parties, their post office addresses and county and state of residence, and their full ages, and the full names the parties will have after marriage. The clerk shall examine upon oath the party applying for license relative to the legality of such contemplated marriage and, if at the expiration of this five-day period, he is satisfied that there is no legal impediment thereto, he shall issue such license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance thereof, which license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, the judge of the probate court, the court commissioner, or any judge of the district court, of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of \$10 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in such case a new license shall issue upon request of the parties of the original license without fee therefor. Any clerk who shall knowingly issue or sign a marriage license in any other manner than in this section provided shall forfeit and pay for the use of the parties aggrieved not to exceed \$1,000.

Sec. 2. Minnesota Statutes 1976, Section 517.10, is amended to read:

517.10 [CERTIFICATE; WITNESSES.] The person solemnizing a marriage shall prepare under his hand three certificates thereof. Each certificate shall contain the full names before and after marriage and county and state of residences of the parties and the date and place of the marriage. Each certificate shall also contain the signatures of at least two of the witnesses present at the marriage who shall be at least 16 years of age. The person solemnizing the marriage shall give each of the parties one such certificate, and shall immediately make a record of such marriage, and file one such certificate with the clerk of the district court of

the county in which the license was issued within five days after the ceremony. The clerk shall record such certificate in a book kept for that purpose."

Amend the title as follows:

Page 1, line 2, strike "the clerk of court" and insert "certain information to be included on an application for a"

Page 1, line 3, strike "to furnish certified copies of"

Page 1, line 4, strike "Section" and insert "Sections"

Page 1, line 5, strike "3" and insert "1"

Page 1, line 5, strike "Chapter 517, by adding a" and insert "517.10"

Page 1, line 6, strike "section"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 801: A bill for an act relating to health care; catastrophic health expense protection; providing protection against certain nursing home expenses incurred for long term care; excluding certain dependent income from the definition of household income; amending Minnesota Statutes 1976, Section 62E.52, Subdivisions 3 and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1976, Section 62E.52, Subdivision 2, is amended to read:

Subd. 2. "Eligible person" means any person who is a resident of Minnesota and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

(1) qualified expenses for himself and any dependents in any 12 consecutive months exceeding:

(a) 40 percent of his household income up to \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000; or

(b) \$2,500, whichever is greater; or

(2) qualified nursing home expenses for himself and any dependents in any 12 consecutive months exceeding 20 percent of his household income."

Page 1, strike all of section 1 and insert:

"Sec. 2. Minnesota Statutes 1976, Section 62E.52, is amended by adding a subdivision to read:

Subd. 3a. "Qualified nursing home expense" includes any charge incurred for nursing home services after 36 months of continuous care provided to a person 64 years of age or younger in long-term care facilities."

Page 2, after line 1, insert:

"Sec. 4. Minnesota Statutes 1976, Section 62E.53, Subdivision 2, is amended to read:

Subd. 2. If the commissioner determines that an applicant is an eligible person, he shall pay (1) 90 percent of all qualified expenses of the eligible person and his dependents in excess of:

(a) 40 percent of his household income under \$15,000, plus 50 percent of his household income between \$15,000 and \$25,000, plus 60 percent of his household income in excess of \$25,000; or

(b) \$2,500;

whichever is greater for the 12 month period in which the applicant becomes an eligible person *and*

(2) *all qualified nursing home expenses of the eligible person and his dependents in excess of 20 percent of his household income*. If the commissioner determines that the charge for a health service is excessive, he may limit his payment to the usual and customary charge for that service. If the commissioner determines that a health service provided to an eligible person was not medically necessary, he may refuse to pay for the service. To the extent feasible, the commissioner shall contract with a review organization as defined in section 145.61, in making any determinations as to whether or not a charge is excessive. To the extent feasible, the commissioner shall contract with a review organization as defined in section 145.61, in making any determination as to whether or not a service was medically necessary. If the commissioner in accordance with this section refuses to pay all or a part of the charge for a health service, the unpaid portion of the charge shall be deemed to be an unconscionable fee, against the public policy of this state, and unenforceable in any action brought for the recovery of moneys owed."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 7, strike "Section" and insert "Sections"

Page 1, line 8, strike "3" and insert "2"

Page 1, line 8, after "5" insert ", and by adding a subdivision; and 62E.53, Subdivision 2"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1135: A bill for an act relating to motor vehicle car-

riers; requiring insurance or bond before the issuance of a certificate or permit to a motor carrier; providing for suspension and revocation of certificate or permit for failure to maintain insurance or other security; amending Minnesota Statutes 1976, Section 221.141, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, strike "on" and insert "filed"

Page 2, line 14, strike "file"

Page 2, line 20, strike "not been" and insert "willfully failed to be"

Page 2, after line 21, insert:

"Sec. 2. Minnesota Statutes 1976, Section 221.64, is amended to read:

221.64 [REGISTRATION FEE; EXEMPTIONS.] Such registration as herein provided shall be granted upon petition, without hearing, upon payment of an initial filing fee in the amount of \$25. Upon petition, and payment of said fee if applicable, the commissioner shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in said registration which stamp shall at all times be carried in the registered vehicle of the registration holder. For each identification stamp issued, the commissioner shall *establish and* collect a fee of *no more than* \$5 to be deposited in the state treasury, provided that a lesser fee may be collected pursuant to the terms of reciprocal agreements between the commissioner and the regulatory bodies of other states or provinces of the dominion of Canada."

Amend the title as follows:

Page 1, line 7, after the semicolon insert "permitting lesser registration fees for certain interstate motor carriers;"

Page 1, line 8, strike "Section" and insert "Sections"

Page 1, line 8, after "1" insert "; and 221.64"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 583: A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "but not limited to"

Page 1, line 20, after "cause" insert "to the commissioner"

Page 1, line 21, after the period insert "*if the company has not made the requisite showing within the ten day period,*"

Page 2, line 1, strike "*but not limited to*"

Page 2, line 4, strike "*forfeit*" and insert "*pay*"

Page 2, line 5, strike "*forfeitures required*" and insert "*monetary penalties imposed*"

Page 2, line 10, strike "*but not limited to*"

Page 2, strike lines 15 to 20

Page 2, line 22, strike "*but not limited to*"

Page 2, line 24, strike "*of the*" and insert "*after*"

Page 2, line 25, strike "*the commissioner*" and insert "*shareholders or members of the company*"

Page 3, line 1, strike "*but not*"

Page 3, line 2, strike "*limited to*"

Page 3, line 11, after "*state*" insert "*, including fraternal, reciprocals and township mutuals,*"

Page 3, line 14, strike "*forfeit*" and insert "*pay*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 500 for comparison to companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
500	668				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 500 be amended as follows:

Page 2, line 13, delete "*or*" and insert "*and*"

Page 2, line 18, after "*the*" insert "*administrator of the*"

Page 3, line 12, delete "*a*"

Page 3, line 15, restore the comma

Page 4, line 2, delete "*first*"

Page 4, line 14, delete "*such*" and insert "*the*"

Page 4, line 17, delete "*such*" and insert "*the*"

Page 7, line 15, strike "such" and insert "the"

Page 7, line 19, strike "such" and insert "the"

Page 8, line 3, strike "such" and insert "the"

Page 8, line 4, strike "such" and insert "the"

Page 8, line 10, strike "such" and insert "the" in each instance

Page 8, line 22, before the comma insert "to the borrower"

Page 8, line 23, delete the comma and delete "addressee" and insert "borrower"

Page 9, line 1, strike "such" and insert "the"

Page 10, lines 9 and 10, delete "12 United States Code Annotated, section 1720 (j)," and insert "Section 115 of the Housing and Urban Development Act of 1969, Public Law 91-152,"

Page 11, line 10, delete "such" and insert "the"

Page 11, line 11, delete "such" and insert "the"

Page 11, line 29, strike "such" and insert "the"

Page 12, line 7, restore the stricken and delete the underscored language

Page 13, line 9, delete "that decides to discontinue maintaining" and insert "not requiring maintenance of"

Page 13, line 21, before "to" insert "the mortgagor may elect"

Page 13, line 25, after "of" insert "offering"

Page 13, line 26, delete "that (1)" and insert "(1) that"

Page 13, line 27, before "the" insert "of"

Page 13, line 29, before "shall" insert "not requiring the maintenance of escrow accounts"

Page 13, line 30, delete "options" and insert "option"

Page 14, line 3, delete "of the" and insert "after the effective date of this section as to mortgagees not requiring escrow accounts as of the effective date, or within 30 days after a"

Page 14, line 4, before "escrow" insert "requiring"

Page 14, line 5, delete "from the mortgagor"

Page 14, line 6, delete "that"

Page 14, line 8, after "shall" insert a comma

Page 14, lines 26, 27, 29, and 31, strike "such" and insert "the"

Page 15, line 17, delete "two" and insert "25"

Page 15, line 23, delete "two" and insert "25"

Page 16, line 3, delete "nonconventional loans" and insert "loans, other than conventional loans,"

Page 16, line 16, delete "*and not made*"

Page 16, line 18, after "*state*" insert "*, and not made,*"

Page 16, line 19, delete the comma

Page 16, delete lines 21 and 22

Page 16, line 23, delete "*14*" and insert "*13*"

Further, amend the title as follows

Line 6, after "*loans;*" insert "*postponing the expiration of a usury exception;*"

Lines 6 and 7, delete "*providing an extension of a usury exception;*"

And when so amended, H. F. No. 500 will be identical to S. F. No. 668 and further recommends that H. F. No. 500 be given its second reading and substituted for S. F. No. 668 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 698, 403, 784, 581, 1338, 1291, 798, 1311, 962, 930, 1172, 1290, 433, 797, 1258, 442, 977, 1135 and 583 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. 500 was read the second time.

MOTIONS AND RESOLUTIONS—CONTINUED

RECONSIDERATION

Mr. Sikorski moved that the vote whereby S. F. No. 3 was passed by the Senate on April 25, 1977, be now reconsidered. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Sikorski moved that H. F. No. 61 be withdrawn from the Committee on Local Government and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 3. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1416 a Special Order to be heard immediately.

S. F. No. 1416: A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes, including appropriations for the departments of public welfare, vocational rehabilitation, corrections, corrections ombudsman, health, health related boards, and public assistance programs; and repealing Minnesota Statutes 1976, Section 261.233.

CALL OF THE SENATE

Mr. Lewis imposed a call of the Senate. The following Senators answered to their names:

Anderson	Gearty	Lewis	Penny	Strand
Bang	Gunderson	Luther	Peterson	Stumpf
Benedict	Hanson	McCutcheon	Setzepfandt	Tennessee
Bernhagen	Hughes	Menning	Sieloff	Ueland, A.
Borden	Humphrey	Milton	Sikorski	Ulland, J.
Brataas	Jensen	Moe	Sillers	Vega
Chmielewski	Johnson	Nelson	Spear	Wegener
Coleman	Knutson	Nichols	Staples	Willet
Engler	Lessard	Olhoft	Stokowski	

The Sergeant at Arms was instructed to bring in the absent members.

Mr. Vega moved to amend S. F. No. 1416 as follows:

Page 18, strike section 17

Page 19, strike section 18

Renumber the sections in sequence

The motion did not prevail. So the amendment was not adopted.

Mr. Keefe, J. moved to amend S. F. No. 1416 as follows:

Page 19, strike sections 19 and 20

Renumber the sections in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Keefe, J.	Renneke	Staples
Bernhagen	Frederick	Knutson	Sieloff	Ueland, A.
Brataas	Jensen	Pillsbury	Sillers	Ulland, J.
Dunn				

Those who voted in the negative were:

Benedict	Johnson	Menning	Perpich	Stumpf
Borden	Keefe, S.	Milton	Peterson	Tennessee
Coleman	Kleinbaum	Moe	Schmitz	Vega
Dieterich	Knoll	Nelson	Setzepfandt	Wegener
Gearty	Laufenburger	Nichols	Sikorski	Willet
Gunderson	Lewis	Olhoft	Solon	
Hanson	Luther	Olson	Stokowski	
Humphrey	McCutcheon	Penny	Strand	

The motion did not prevail. So the amendment was not adopted.

Mr. Sieloff moved to amend S. F. No. 1416 as follows:

Page 7, line 25, before the period insert "except that he shall not increase the obligation imposed on any county to pay the costs of such programs"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 39, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	Pillsbury	Ueland, A.
Bang	Engler	Knutson	Renneke	Ulland, J.
Bernhagen	Frederick	Ogdahl	Sieloff	
Brataas	Jensen	Olson	Sillers	

Those who voted in the negative were:

Benedict	Gunderson	Lewis	Olhoft	Stokowski
Borden	Hanson	Luther	Penny	Strand
Chenoweth	Humphrey	McCutcheon	Perpich	Stumpf
Chmielewski	Johnson	Menning	Schmitz	Tennessee
Coleman	Keefe, S.	Merriam	Setzepfandt	Vega
Davies	Kleinbaum	Moe	Sikorski	Wegener
Dieterich	Knoll	Nelson	Spear	Willet
Gearty	Lessard	Nichols	Staples	

The motion did not prevail. So the amendment was not adopted.

Mr. Knutson moved to amend S. F. No. 1416 as follows:

Page 18, line 23, strike everything after "hospital"

Page 18, line 24, strike everything before the period

Page 18, line 26 strike "and Anoka state hospital"

Page 18, lines 27 and 28, strike "and Anoka state hospital"

Page 19, lines 3 and 4, strike "and Anoka state hospital"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Chenoweth	Jensen	Pillsbury	Ueland, A.
Ashbach	Chmielewski	Keefe, J.	Renneke	Ulland, J.
Bang	Davies	Knutson	Sieloff	
Benedict	Dunn	Merriam	Sillers	
Bernhagen	Engler	Ogdahl	Spear	
Brataas	Frederick	Olhoft	Stumpf	

Those who voted in the negative were:

Borden	Humphrey	McCutcheon	Olson	Setzepfandt
Coleman	Johnson	Menning	Penny	Staples
Dieterich	Keefe, S.	Milton	Perpich	Stokowski
Gearty	Knoll	Moe	Peterson	Strand
Gunderson	Lewis	Nelson	Schaaf	Wegener
Hanson	Luther	Nichols	Schmitz	Willet

The motion did not prevail. So the amendment was not adopted.

Mr. Ashbach moved to amend S. F. No. 1416 as follows:

Page 20, after line 1, insert:

"Sec. . Minnesota Statutes 1976, Section 290.09, Subdivision 10, is amended to read:

Subd. 10. [MEDICAL EXPENSES.] Payments (not compensated for by insurance or otherwise) for expenses for hospital, nursing, medical, surgical, dental, and other healing services, including institutional care and treatment for the mentally ill and physically handicapped, and for medical supplies and ambulance hire, incurred by the taxpayer on account of sickness, mental illness, physical handicap or personal injury to himself or his dependents and premiums paid for hospitalization and medical insurance including nonprofit hospital service and nonprofit medical service plans. Payments for traveling expenses shall not be deductible under the provisions of this subdivision. Payments for hotel or similar lodging expenses shall be deductible in the same manner as payments for hospital services, if the taxpayer or his dependent is not hospitalized but is nevertheless required to remain in a medical center away from his usual place of abode, for the purpose of receiving prescribed medical treatment.

If a combination of taxpayers together pays for more than half of the support of an individual, each taxpayer may take this deduction for the payments described in this subdivision made by him."

Renumber the remaining section

Amend the title as follows:

Page 1, line 8, after "programs;" insert "amending Minnesota Statutes 1976, Section 290.09, Subdivision 10;"

Mr. Lewis raised a point of order as to the germaneness of the amendment.

The President ruled the amendment was out of order.

Mr. Ashbach then moved to amend S. F. No. 1416 as follows:

Page 8, line 10, strike "\$125" and insert "\$60"

Page 8, line 21, strike "\$125" and insert "\$60"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 48, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Keefe, J.	Renneke	Ueland, A.
Bang	Frederick	Ogdahl	Sieloff	Ulland, J.
Dunn	Jensen	Pillsbury	Sillers	

Those who voted in the negative were:

Anderson	Borden	Coleman	Gearty	Hughes
Benedict	Brataas	Davies	Gunderson	Humphrey
Bernhagen	Chmielewski	Dieterich	Hanson	Johnson

Keefe, S.	Luther	Nichols	Schmitz	Strand
Kleinbaum	McCutcheon	Olhoft	Setzepfandt	Stumpf
Knoll	Menning	Olson	Sikorski	Tennessee
Knutson	Merriam	Penny	Solon	Vega
Laufenburger	Milton	Perpich	Spear	Willet
Lessard	Moe	Peterson	Staples	
Lewis	Nelson	Schaaf	Stokowski	

The motion did not prevail. So the amendment was not adopted.

S. F. No. 1416 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Lessard	Olson	Sillers
Bang	Hughes	Lewis	Penny	Solon
Benedict	Humphrey	Luther	Perpich	Spear
Borden	Jensen	McCutcheon	Peterson	Staples
Brataas	Johnson	Menning	Pillsbury	Stokowski
Chmielewski	Keefe, J.	Milton	Renneke	Strand
Coleman	Keefe, S.	Moe	Schaaf	Stumpf
Davies	Kleinbaum	Nelson	Schmitz	Tennessee
Dieterich	Knoll	Nichols	Setzepfandt	Ulland, J.
Gearty	Knutson	Ogdahl	Sieloff	Wegener
Gunderson	Laufenburger	Olhoft	Sikorski	Willet

Those who voted in the negative were:

Anderson	Dunn	Frederick	Ueland, A.	Vega
Bernhagen	Engler	Merriam		

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 S. F. No. 1034 a Special Order to be heard immediately.

S. F. No. 1034: A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

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 39 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Lessard	Olson	Staples
Bang	Gearty	Luther	Perpich	Stokowski
Benedict	Hanson	McCutcheon	Schmitz	Stumpf
Chmielewski	Hughes	Menning	Setzepfandt	Ulland, J.
Coleman	Johnson	Milton	Sikorski	Vega
Davies	Keefe, S.	Moe	Sillers	Wegener
Dieterich	Kleinbaum	Nichols	Solon	Willet
Dunn	Laufenburger	Ogdahl	Spear	

Those who voted in the negative were:

Ashbach	Gunderson	Merriam	Peterson	Strand
Bernhagen	Jensen	Nelson	Renneke	Tennessee
Brataas	Keefe, J.	Olhoft	Sieloff	Ueland, A.
Frederick	Knutson	Penny		

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. No. 686, which the committee recommends to pass with the following amendment offered by Mr. Schaaf:

Page 2, line 21, strike "*a municipal ordinance or*"

Page 2, strike line 22

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 39 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Knoll	Olhoft	Solon
Ashbach	Engler	Knutson	Olson	Staples
Bang	Frederick	Laufenburger	Perpich	Strand
Bernhagen	Gunderson	Lessard	Pillsbury	Ueland, A.
Brataas	Hughes	Lewis	Renneke	Ulland, J.
Chenoweth	Humphrey	Luther	Schaaf	Vega
Coleman	Jensen	Nelson	Schmitz	Willet
Davies	Keefe, S.	Ogdahl	Setzepfandt	

Those who voted in the negative were:

Benedict	Hanson	Merriam	Sieloff	Spear
Chmielewski	Johnson	Penny	Sikorski	Stokowski
Dieterich	Keefe, J.	Peterson	Sillers	Wegener
Gearty	Menning			

The motion prevailed. So the amendment was adopted.

S. F. No. 109, which the committee recommends to pass with the following amendments offered by Messrs. Schaaf, Knoll, Milton and Nichols:

Mr. Schaaf moved to amend S. F. No. 109 as follows:

Page 3, line 4, strike "*Other than the commissioner of personnel*"

Page 3, line 21, after the period insert "*An appointing authority*"

may appoint a person other than a deputy to serve as acting commissioner and to replace any other acting commissioner designated pursuant to this subdivision."

Page 3, line 23, after the comma insert "*or the appointment of another person to serve as acting commissioner,*"

Page 5, line 31, strike "*an*" and insert "*a department or*"

Page 5, line 32, after "*that*" insert "*department or*"

Page 6, lines 20 and 21, strike "*, and shall be filed with the secretary of state,*" and insert "*upon*"

Page 6, line 21, after "*register*" insert "*and filing with the secretary of state*"

Page 6, strike lines 25 to 28 and insert

"Subd. 3. [EXPIRATION DATE.] An executive order shall expire when it is revoked, superseded by a later executive order or statute, or when it expires by its own terms."

Page 33, line 12, strike "*Notwithstanding the*"

Page 33, strike lines 13 and 14

Mr. Ulland moved to amend S. F. No. 109 as follows:

Page 30, line 31, after "*the*" insert "*board of health with the approval of the*"

Page 34, strike section 41

Renumber the sections in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 39, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Frederick	Pillsbury	Sillers
Brataas	Engler	Knutson	Sieloff	Ulland, J.

Those who voted in the negative were:

Anderson	Hanson	McCutcheon	Perpich	Staples
Benedict	Humphrey	Menning	Peterson	Stokowski
Borden	Johnson	Merriam	Schaaf	Strand
Chenoweth	Keefe, S.	Milton	Schmitz	Stumpf
Davies	Kleinbaum	Nelson	Setzepfand	Vega
Dieterich	Knoll	Nichols	Sikorski	Wegener
Gearty	Lewis	Olhoft	Solon	Willet
Gunderson	Luther	Penny	Spear	

The motion did not prevail. So the amendment was not adopted.

Mr. Knoll moved to amend S. F. No. 109 as follows:

Page 33, line 4, strike "*and*" and insert a comma

Page 33, line 5, after the comma insert "*and five other persons reporting directly to the director*"

Mr. Milton moved to amend S. F. No. 109 as follows:

Page 30, strike section 35

Page 30, strike lines 28 to 32

Page 31 strike lines 1 to 12 and insert:

“[144.011] [DEPARTMENT OF HEALTH.] Subdivision 1. [COMMISSIONER.] The department of health shall be under the control and supervision of the commissioner of health who shall be appointed by the governor under the provisions of section 1. The state board of health is abolished and all powers and duties of the board are transferred to the commissioner of health.

Subd. 2. [STATE HEALTH ADVISORY COUNCIL.] The state health advisory council is hereby created to consist of 15 members appointed by the governor. Nine members of the council shall be broadly representative of the licensed health professions and six members shall be public members as defined by section 214.02. The council and its members shall be governed by the provisions of section 15.059. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council shall advise the commissioner of health on any matter relating to the functions of the department.”

Page 34, line 8, after “2;” insert “144.01; 144.02;”

Renumber the sections

Amend the title as follows:

Page 1, line 15, after the semicolon insert “abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council;”

Page 1, line 22, strike “144.02;”

Page 1, line 32, after “2;” insert “144.01; 144.02;”

Mr. Sieloff moved to amend S. F. No. 109 as follows:

Page 10, line 14, after the period insert: “No person so transferred shall because of such transfer obtain, receive or be included in any civil service classification in the department or agency to which he is transferred that he did not have in the department or agency from which he was transferred.”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 39, as follows:

Those who voted in the affirmative were:

Ashbach
Bernhagen
Brataas

Dunn
Engler
Frederick

McCutcheon
Merriam
Pillsbury

Sieloff
Sillers
Ueland, A.
Ulland, J.

Those who voted in the negative were:

Anderson	Gunderson	Lessard	Penny	Spear
Benedict	Hanson	Lewis	Perpich	Staples
Borden	Humphrey	Luther	Peterson	Strand
Chmielewski	Johnson	Menning	Schaaf	Stumpf
Coleman	Keefe, S.	Milton	Schmitz	Vega
Davies	Kleinbaum	Nelson	Setzpfandt	Wegener
Dieterich	Knoll	Nichols	Sikorski	Willet
Garty	Knutson	Olhoft	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Nichols moved to amend S. F. No. 109 as follows:

Page 31, line 29, strike "*board with the approval of the*"

Page 31, line 30, strike everything after the period

Page 31, strike line 31

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 16, as follows:

Those who voted in the affirmative were:

Benedict	Hanson	Luther	Peterson	Staples
Borden	Humphrey	McCutcheon	Pillsbury	Stokowski
Coleman	Johnson	Menning	Schaaf	Vega
Davies	Keefe, S.	Merriam	Schmitz	Willet
Dieterich	Kleinbaum	Milton	Setzpfandt	
Engler	Knoll	Nichols	Sikorski	
Garty	Lessard	Olhoft	Solon	
Gunderson	Lewis	Perpich	Spear	

Those who voted in the negative were:

Ashbach	Frederick	Nelson	Sillers	Ueland, A.
Brataas	Hughes	Penny	Strand	Ulland, J.
Chmielewski	Knutson	Sieloff	Stumpf	Wegener
Dunn				

The motion prevailed. So the amendment was adopted.

Mr. Chenoweth moved to amend S. F. No. 109 as follows:

Page 3, line 4, strike everything after the period

Page 3, strike lines 5 and 6 and insert "*A commissioner shall only be removed for cause after notice and hearing.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 33, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Knutson	Pillsbury	Ueland, A.
Bang	Dunn	McCutcheon	Setzpfandt	Ulland, J.
Bernhagen	Engler	Merriam	Sieloff	Wegener
Brataas	Frederick	Nelson	Sillers	
Chenoweth	Hughes	Olhoft	Stumpf	

Those who voted in the negative were:

Benedict	Hanson	Lessard	Penny	Spear
Borden	Humphrey	Luther	Perpich	Staples
Chmielewski	Johnson	Menning	Peterson	Strand
Coleman	Keefe, S.	Milton	Schaaf	Vega
Dieterich	Kleinbaum	Moe	Schmitz	Willet
Gearty	Knoll	Nichols	Sikorski	
Gunderson	Laufenburger	Olson	Solon	

The motion did not prevail. So the amendment was not adopted.

The question was taken on the recommendation to pass S. F. No. 109.

The roll was called, and there were yeas 32 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Laufenburger	Perpich	Staples
Benedict	Hanson	Lessard	Peterson	Stokowski
Borden	Humphrey	Luther	Schaaf	Vega
Chmielewski	Johnson	Menning	Schmitz	Willet
Coleman	Keefe, S.	Milton	Sikorski	
Dieterich	Kleinbaum	Olson	Solon	
Gearty	Knoll	Penny	Spear	

Those who voted in the negative were:

Ashbach	Dunn	McCutcheon	Renneke	Stumpf
Bang	Engler	Merriam	Setzpfandt	Ueland, A.
Bernhagen	Frederick	Nichols	Sieloff	Ulland, J.
Brataas	Hughes	Olhoft	Sillers	
Davies	Knutson	Pillsbury	Strand	

The motion prevailed. So the committee recommended S. F. No. 109 to pass.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 481: A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the commissioner of education, the state board of education, and the state board for vocational education; requiring a certificate of need for certain school district construction; providing a June 1 date for the discharge or termination of certain teachers; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 1a; 121.11, Subdivision 5; 121.-

902; 121.908, by adding a subdivision; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivisions 1 and 2; 122.21, Subdivision 6; 123.335, Subdivision 2; 123.351, Subdivision 4; 123.39, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2, and by adding a subdivision; 124.11; 124.14, Subdivision 1; 124.17, Subdivision 1, and by adding a subdivision; 124.19, Subdivision 1; 124.212, Subdivisions 4, 6b, 7b and 8a, and by adding subdivisions; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3 and 6; 124.223; 124.24; 124.26, Subdivision 4; 124.271, Subdivision 2; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.563, Subdivisions 1 and 3; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 124.611; 125.12, Subdivisions 3, 4 and 10; 125.17, Subdivision 3; 273.138, Subdivision 3; 275.124; 275.125, Subdivisions 2a, 4, 5, 8, 9, 9a, 12, 13 and by adding subdivisions; 475.61, Subdivision 4; Chapter 121, by adding a section; Chapter 124, by adding sections; Laws 1976, Chapter 271, Sections 94 and 98, Subdivision 3; and Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended; repealing Minnesota Statutes 1976, Sections 123.40, Subdivision 7; 123.80, Subdivision 1; 124.04; 124.14, Subdivision 2; 124.19, Subdivision 2; 124.212, Subdivisions 3a and 19; 124.215, Subdivisions 2a, 3, 4, 5, 7 and 8; 124.221; 124.222, Subdivisions 4 and 5; 124.23; 124.25; 124.271, Subdivision 1; 124.30; 124.562, Subdivisions 5 and 6; 124.563, Subdivision 4; 124.565, Subdivisions 2 and 5; 124.57; 126.021; 126.022; 126.024; 273.138, Subdivision 7; 473.633; and 473.635.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, line 21, reinsert the stricken language

Page 27, line 9, strike "*programs*" and insert "*special instruction and services*"

Page 27, line 16, strike "*these programs*" and insert "*the special instruction and services*"

Page 27, line 18, strike "*program*" and insert "*special instruction and services*"

Page 27, line 19, strike "*program*" and insert "*special instruction and services*"

Page 30, after line 2, insert:

"The state shall not pay a district the applicable aid in clauses (a) and (b) of this subdivision for the employment of more than the minimum number of special education supervisors required by the rules of the state board of education."

Page 39, line 1, strike "\$70,818,000" and insert "\$70,140,000"

Page 39, line 2, strike "\$8,640,000" and insert "\$8,612,000"

Page 39, line 4, strike "\$2,888,000" and insert "\$2,860,000"

Page 39, line 8, strike "\$62,178,000" and insert "\$61,528,000"

Page 39, line 10, strike "\$78,973,000" and insert "\$78,133,000"

Page 39, line 11, strike "\$11,588,000" and insert "\$11,478,000"

Page 39, line 13, strike "\$4,079,000" and insert "\$4,039,000"

Page 39, line 18, strike "\$67,385,000" and insert "\$66,655,000"

Page 40, after line 4, insert:

"Section 1. Minnesota Statutes 1976, Section 121.88, is amended to read:

121.88 [DISTRICT PROGRAMS; CITIZENS ADVISORY COUNCIL.] *Subdivision 1.* The board of education of each school district of the state is hereby authorized to initiate a community school program in its district and to provide for the general supervision of said program. Each board may, as it considers appropriate, employ community school directors and coordinators to further the purposes of the community school program. The salaries of the directors and coordinators shall be paid by the board.

Subd. 2. Each board shall provide for a citizens advisory council to consist of members who represent the various service organizations, churches, private schools, local government, and any other groups participating in the community school program in the school district. *At least one member of the council shall be a representative of the park, recreation or forestry services of municipal or local government units located in whole or in part within the boundaries of the school district.*

Subd. 3. The council shall function in cooperation with the community school director in an advisory capacity in the interest of promoting the goals and objectives of sections 121.85 to 121.88.

Subd. 4. *Each council shall adopt a policy to reduce and eliminate program duplication within the district. The community school director shall at least annually report to the school board and to the governing bodies of the counties, municipalities, and townships in which the school district or any part thereof is located, on the efforts of the community school program to eliminate duplication of services within the district. In connection with the preparation of this report, the director, in cooperation with the council, shall each year inventory all community education type services offered within the school district by any provider."*

Renumber the sections of article IV accordingly

Page 40, line 16, strike "match and"

Page 40, line 16, reinstate the stricken language

Page 40, line 17, reinstate the stricken language

Page 40, line 23, strike the new language

Page 40, strike lines 24 to 26

Page 43, line 13, strike "\$3,530,000" and insert "\$1,600,000"

Page 43, line 14, strike "\$3,765,000" and insert "\$1,700,000"

Page 57, line 21, strike "8" and insert "9"

Page 60, line 13, after "*within schools,*" insert ", "*American Indian language and culture programs or alternative schools,*"

Page 62, after line 6, insert

"Sec. 8. Minnesota Statutes 1976, Section 275.125, Subdivision 6, is amended to read:

Subd. 6. ~~(1)~~ In 1975 1977 and each year thereafter any district in which the 1970-1971 adjusted maintenance cost per pupil unit in average daily membership was greater than \$663 per pupil unit may levy *the greater of (a) an amount per pupil unit which is equal to or less than the difference between the 1970-1971 adjusted maintenance cost per pupil unit in average daily membership and \$663 per pupil unit or (b) the amount raised in 1976 pursuant to this subdivision.* Provided, however, that a district with boundaries coterminous with the boundaries of a city of the first class which was affected by the limitation of an extra levy not to exceed 1.9 mills times the adjusted assessed valuation of the district shall be allowed to levy *the greater of (a) an amount per pupil unit which is equal to 2.0 mills times the 1974 adjusted assessed valuation of the district, divided by the number of pupil units in the district in 1975-1976 or (b) the amount raised in 1976 pursuant to this subdivision.*

~~(2)~~ In 1976 and each year thereafter, any district which qualified in 1975 for an extra levy under clause ~~(1)~~ shall be allowed to levy the same amount per pupil unit allowed by that clause.

~~(2)~~ For purposes of computing allowable levies under this subdivision, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (6) and (7). The provisions of this clause shall not affect or modify any district's 1970-1971 adjusted maintenance cost per pupil unit in average daily membership."

Page 63, line 31, strike "8" and insert "9"

Page 64, line 7, strike "8" and insert "9"

Page 68, line 26, strike "14" and insert "15"

Page 68, line 26, strike "15" and insert "16"

Page 68, after line 30, insert

"Section 1. Minnesota Statutes 1976, Chapter 6, is amended by adding a section to read:

[6.515] [AUDIT OF FEDERAL MONEYS.] *The state auditor, in respect to any political subdivision over which he has audit jurisdiction provided by this chapter, is empowered to examine all accounts and records of the subdivision relating to funds consisting in whole or part of moneys received from the federal government or any agency thereof. Upon request of the legis-*

lature or a standing committee, the auditor shall provide copies of the results of his examination or consolidated summaries relating to two or more subdivisions."

Renumber the sections of Article VII accordingly

Page 94, line 26, strike "*Nothing herein is*"

Page 94, strike lines 27 and 28

Page 95, line 3, after "\$200,000" insert "*by that district*"

Page 96, line 27, strike "*and*"

Page 96, line 30, strike the period and insert "*; and*"

Page 96, after line 30 insert:

"(i) any desegregation requirements, provided they cannot be met by any other means."

Pages 100 to 106, strike Article X

Amend the title as follows:

Page 1, line 13, after "5;" insert "121.88;"

Page 1, line 31, after "5," insert "6,"

Page 1, line 32, after "4;" insert "Chapter 6, by adding a section;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. No. 481 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 7:00 o'clock p.m., Tuesday, April 26, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-FIRST DAY

St. Paul, Minnesota, Tuesday, April 26, 1977

The Senate met at 7:00 o'clock p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Phillip Mettling.

The roll was called, and the following Senators answered to their names:

Anderson	Engler	Laufenburger	Olson	Solon
Ashbach	Frederick	Lessard	Penny	Spear
Bang	Gearty	Lewis	Perpich	Staples
Benedict	Gunderson	Luther	Peterson	Stokowski
Bernhagen	Hughes	McCutcheon	Pillsbury	Strand
Borden	Humphrey	Menning	Renneke	Stumpf
Brataas	Jensen	Merriam	Schaaf	Tennessee
Chenoweth	Johnson	Milton	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Moe	Schrom	Ulland, J.
Coleman	Keefe, S.	Nelson	Setzepfandt	Vega
Davies	Kleinbaum	Nichols	Sieloff	Willet
Dieterich	Knoll	Ogdahl	Sikorski	
Dunn	Knutson	Olhoft	Sillers	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Hanson, Purfeerst, Schrom and Wegener were excused from this evening's Session. Mr. Humphrey was excused from this evening's Session until 8:45 o'clock p.m. Mr. Olson was excused from this evening's Session until 9:30 o'clock p.m. Mr. Sieloff was excused from this evening's Session at 9:30 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 22, 1977

The Honorable Martin O. Sabo
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 1977 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 1977	Date Filed 1977
	21	32	April 21	April 22
	283	33	April 21	April 22
	661	34	April 21	April 22
483		35	April 21	April 22

Sincerely,

Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Merriam, Luther and Spear introduced—

S. F. No. 1468: A bill for an act relating to commerce; regulating the repair of motor vehicles, appliances, and dwelling places; regulating service calls, estimates, and repairs; providing penalties.

Referred to the Committee on Commerce.

Messrs. Benedict and Vega introduced—

S. F. No. 1469: A bill for an act relating to taxation; increasing designated maximum income-adjusted homestead credits; amending Minnesota Statutes 1976, Section 290A.04, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Borden introduced—

S. F. No. 1470: A bill for an act relating to taxation; altering means of calculating attached machinery aid; amending Minnesota Statutes 1976, Section 273.138, Subdivisions 2 and 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederick, Peterson, Olhoft, Bernhagen and Ueland, A. introduced—

S. F. No. 1471: A bill for an act relating to taxation; sales; exempting goods and services sold by certain charitable organizations; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

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. 72, 345, 651 and 919.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1977

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 586.

H. F. No. 586: A bill for an act relating to taxation; information contained in tax returns; amending Minnesota Statutes 1976, Sections 290.081; 290.61; and 290A.17.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Kelly, W.; Skoglund and Savelkoul have been appointed as such committee on the part of the House.

House File No. 586 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 April 25, 1977

Mr. McCutcheon moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 586, 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. 339.

H. F. No. 339: A bill for an act relating to transportation construction contracts; providing for small business contracts; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Casserly, Hanson and Ewald have been appointed as such committee on the part of the House.

House File No. 339 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 April 25, 1977

Mr. Knoll moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 339, 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. 437.

H. F. No. 437: A bill for an act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.13, Subdivision 9; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3.

And the House respectfully requests that a Conference Committee of 3 members be appointed thereon:

Kelly, W.; Jacobs and Pleasant have been appointed as such committee on the part of the House.

House File No. 437 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 April 25, 1977

Mr. Olhofft moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 437, 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 has adopted the recommendation and report of the Conference Committee on House File No. 38, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 38: A bill for an act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051, by adding a subdivision.

H. F. No. 38 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 25, 1977

CONFERENCE COMMITTEE REPORT ON H. F. NO. 38

A bill for an act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051, by adding a subdivision.

April 20, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 38 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 38 be amended as follows:

Page 1, line 11, delete "*this act*" and insert "*sections 1 to 7*"

Page 2, line 20, after "*sale*" and before the period, insert: "*, including the construction of dwellings on land owned by vendees*"

Page 2, lines 22 to 23, delete "*of this act*"

Page 3, line 12, delete "*of this act*"

Page 3, lines 15 and 16, delete "*this act*" and insert "*sections 1 to 7*"

Page 4, line 23, delete "*subdivision*" and insert "*subdivisions*"

Page 4, line 23, after "*2*" insert "*and 3*"

Page 4, lines 24 and 26, delete "*this act*" and insert "*sections 1 to 7*"

Page 4, line 27, delete "*subdivision*" and insert "*subdivisions*"

Page 4, line 27, after "*2*" insert "*and 3*"

Page 4, line 30, delete "*this*" and insert "*section 2*"

Page 4, line 31, delete "*act*"

Page 5, lines 7, 11, and 24, delete "*of this act*"

Page 5, after line 11, insert:

"Subd. 3. If a major construction defect is discovered prior to the sale of a dwelling, the statutory warranty set forth in section 2, subdivision 1, clause (c) may be waived for the defect identified in the waiver instrument, after full oral disclosure of the specific defect, by an instrument which sets forth in detail: the specific defect; the difference between the value of the dwelling without the defect and the value of the dwelling with the defect, as determined and attested to by an independent appraiser, contractor, insurance adjuster, engineer or any other similarly knowledgeable person selected by the vendee; the price reduction; the

date the construction was completed; the legal description of the dwelling; the consent of the vendee to the waiver; and the signatures of the vendee, the vendor, and two witnesses.

A single waiver agreed to pursuant to this subdivision may not apply to more than one major construction defect in a dwelling.

The waiver shall not be effective unless filed for recording with the county recorder or registrar of titles who shall file the waiver for record."

Page 5, lines 13 and 22, delete "this act" and insert "section 2"

Page 5, line 26, delete the second "of"

Page 5, line 27, delete "this act"

Page 6, lines 2 and 7, delete "of this act"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Mike Sieben, Ray Pleasant, Ray Faricy

Senate Conferees: (Signed) Harmon T. Ogdahl, Gerry Sikorski, Jack Davies

Mr. Sikorski moved that the foregoing recommendations and Conference Committee Report on H. F. No. 38 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 38: A bill for an act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051, by adding a subdivision.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 50 and nays 2, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Lessard	Olhoff	Spear
Benedict	Gearty	Lewis	Penny	Staples
Bernhagen	Gunderson	Luther	Perpich	Stokowski
Brataas	Hughes	McCutcheon	Peterson	Strand
Chmielewski	Johnson	Menning	Pillsbury	Stumpf
Coleman	Keefe, J.	Merriam	Schmitz	Tennessen
Davies	Kleinbaum	Milton	Setzepfandt	Ueland, A.
Dieterich	Knoll	Moe	Sieloff	Ulland, J.
Dunn	Knutson	Nelson	Sikorski	Vega
Engler	Laufenburger	Ogdahl	Sillers	Willet

Messrs. Jensen and Renneke voted in the negative.

So the bill, as amended by the Conference Committee, was re-passed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 79, 920, 1079 and 1259.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 25, 1977

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 108 and 1072.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 26, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 805.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 26, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 79: A bill for an act relating to real estate; placing restrictions on who may acquire title; providing enforcement powers; providing penalty; amending Minnesota Statutes 1976, Chapter 500, by adding a section; repealing Minnesota Statutes 1976, Section 500.22.

Referred to the Committee on Judiciary.

H. F. No. 920: A bill for an act relating to labor; providing for union notification of a member's injury or death; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

Referred to the Committee on Employment.

H. F. No. 1079: A bill for an act relating to agriculture; seeds; changing the basis for listing restricted noxious weed seeds on labels; prohibiting certain acts; increasing fees; amending Minnesota Statutes 1976, Sections 21.48, Subdivision 3; 21.49, Subdivision 1; 21.53, Subdivision 3; and 21.54, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 1259: A bill for an act relating to the city of Savage; firefighter's service pensions.

Referred to the Committee on Governmental Operations.

H. F. No. 805: A bill for an act relating to public employees; excluding supervisory employees from certain bargaining units; amending Minnesota Statutes 1976, Section 179.65, Subdivision 6.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of S. F. Nos. 522 and 1133 be now adopted. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1051: A bill for an act relating to grand juries; providing for grand juries drawn from more than one county; amending Minnesota Statutes 1976, Section 628.41.

Reports the same back with the recommendation that the bill be amended as follows

Page 2, after line 7, insert:

"Subd. 3. All indictments, reports or other returns returned by a grand jury drawn from more than one county shall be returned without any designation of venue. Thereupon, the judge ordering the impaneling of the grand jury shall designate the county of venue for purposes of trial.

Subd. 4. If a grand jury drawn from more than one county was impaneled pursuant to the request of a county attorney, that county attorney shall prosecute indictments returned thereby, except that the county attorney of the county in which venue was designated pursuant to subdivision 3 may file a written request to prosecute with the judge impaneling the grand jury within 15 days, in which case the judge shall designate the prosecuting authority. In all other cases, the prosecuting authority shall be designated by the judge impaneling the grand jury.

Subd. 5. The costs of a grand jury drawn from more than one county shall be apportioned between the counties from which the grand jury was drawn as may be ordered by the judge impaneling the grand jury.

Subd. 6. Members of grand juries drawn from more than one county shall be compensated as provided in section 357.26. In addition, grand jurors residing more than 50 miles from the place where the grand jury sits shall be reimbursed for expenses actually incurred for meals and lodging, not to exceed \$35 per day."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 823: A bill for an act relating to mechanics liens; requiring notice to the owner of the real estate improved; increasing the period in which notice must be given; amending the definition of owner; enlarging the circumstances in which notice is not required to be given; extending the lien period; providing penalties; amending Minnesota Statutes 1976, Sections 514.011, Subdivisions 1, 2, 3 and 4; 514.08, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 13 to 25

Strike all of page 2

Page 3, line 41, restore the stricken language

Page 3, line 42, strike the new language

Page 4, line 11, strike "If"

Page 4, line 11, after "contractor" insert "who"

Page 4, line 11, after "to" insert "supply the information requested pursuant to"

Page 4, line 12, strike "respond to this request as prescribed in"

Page 4, line 13, strike "the contractor"

Page 4, line 15, after "of" insert "the contractor's"

Page 4, line 15, strike "or \$50,"

Page 4, line 16, strike "whichever is greater"

Page 5, after line 15 insert:

"Sec. 4. *This act shall apply to contracts for improvements entered into by an owner on or after August 1, 1977.*"

Page 5, strike lines 16 to 29

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, strike "requiring notice to"

Page 1, line 3, strike "the owner of the real estate improved;"

Page 1, line 4, after "given" insert "to the owner of improved real estate"

Page 1, line 7, strike "extending the lien period;"

Page 1, line 9, strike "Sections" and insert "Section"

Page 1, line 9, strike "1,"

Page 1, line 9, strike the semicolon and insert a period

Page 1, strike line 10

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1309: A bill for an act relating to tax-forfeited land; providing time limitations for bringing actions; providing procedures for settling tax titles; amending Minnesota Statutes 1976, Section 284.28; and Chapter 541, by adding a section; repealing Minnesota Statutes 1976, Sections 284.09 and 284.22.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "*including*" insert "*both non-jurisdictional and*"

Page 2, line 20, after the comma insert "*including but not limited to any claim based upon any failure, omission, error, or defect described in subdivision 1,*"

Page 3, line 9, after the comma insert "*including but not limited to any claim based upon any failure, omission, error, or defect described in subdivision 1,*"

Page 8, line 20, strike "*ten*" and insert "*four*"

Page 8, line 23, after "*commenced*" insert "*on or*"

Page 8, line 23, strike "*January 1, 1978*" and insert "*June 15, 1977*"

Page 9, after line 16, insert:

"Subd. 5. This section applies to real estate titles based upon or derived from a county auditor's certificate of forfeiture, or auditor's certificate of sale or state assignment certificate issued prior to June 15, 1977."

Page 9, line 17, after "*Sections*" insert "*280.34;*"

Page 9, line 19, strike "*January 1, 1978*" and insert "*June 15, 1977*"

Amend the title as follows:

Page 1, line 7, after "*Sections*" insert "*280.34;*"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1068: A bill for an act relating to children; reporting of maltreatment of minors; providing definitions; delineating

reporting requirements; providing for notification of police from welfare agencies; delineating the scope of the privacy attributed to records maintained by welfare agencies; providing for the destruction of certain records; providing for a new crime of assault on a child; providing penalties; amending Minnesota Statutes 1976, Section 626.556, Subdivisions 2, 3, 5, 6, 9, 11, and by adding a subdivision; and 609.225, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 1 and 12, strike "*shall mean*" and insert "*means*"

Page 2, line 5, strike "*shall have*" and insert "*has*"

Page 2, line 14, strike "*may be*" and insert "*is*"

Page 2, line 19, after "*injury*" insert "*or health defect*"

Page 2, line 20, strike "*the history of injuries provided by the*" and insert "*a*"

Page 2, line 21, strike the semicolon and insert a period

Page 2, strike lines 22 to 25

Page 3, line 10, strike "*child*" and insert "*physical or sexual*"

Page 3, lines 16 to 21, strike all of the new language and reinsert the stricken language and strike the period on line 21

Pages 3 and 4, strike sections 3 and 4

Page 4, line 24, strike "*required*" and insert "*made*"

Page 4, line 25, strike "*such*" and insert "*the*"

Page 4, line 28, strike "*child*" and insert "*physical or sexual*"

Page 5, lines 8 to 11, reinstate the stricken language

Page 5, line 9, strike "*unsubstantiated*" and insert "*false*"

Page 5, lines 11 and 15, strike the new language and restore the stricken language

Page 5, line 16, after "*substantiated*" insert "*or disproved*"

Page 5, line 25, strike "*unsubstantiated*" and insert "*false*"

Pages 5 and 6, strike sections 8 and 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, strike "*providing for notification*"

Page 1, line 5, strike "*of police from welfare agencies,*"

Page 1, line 8, strike "*providing for a*"

Page 1, strike line 9

Page 1, line 10, strike "*penalties,*"

Page 1, line 11, strike "5, 6,"

Page 1, line 11, after "9," insert "and"

Page 1, line 12, strike "; and 609.225, by" and insert a period

Page 1, strike line 13

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 646: A bill for an act relating to the environment; environmental impact statements; requiring petitioners initiating environmental impact statements to be adult residents or property owners in affected areas; exempting private actions of only local significance; providing that economic considerations be given due consideration; amending Minnesota Statutes 1976, Section 116D.04, Subdivisions 3, 5 and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "*residents*" and insert "*citizens*"

Page 1, line 16, after "*of*" insert "*the state*"

Page 1, line 16, after the comma insert "*at least half of whom reside in*"

Page 1, line 17, strike "*owners of*" and insert "*own*"

Page 1, line 17, strike "*located*"

Page 1, line 17, strike "*, the*" and insert "*any county*"

Page 1, line 17, strike "*area in*" and insert "*by the action*"

Page 1, line 18, strike "*Minnesota*"

Page 2, strike lines 1 through 32

Page 3, strike lines 1 through 14

Amend the title as follows:

Line 2, strike "environmental impact"

Line 3, strike "statements;"

Line 3, after "requiring" insert "one half of the"

Line 5, strike "areas" and insert "counties"

Strike lines 6, 7, 8

Line 10, strike "Subdivisions" and insert "Subdivision"

Line 10, strike ", 5 and 6"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1423: A bill for an act relating to state lands; authorizing the exchange of certain public lake access land in Polk county.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1336: A bill for an act relating to state lands; authorizing the conveyance of certain lands in Aitkin county.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1221: A bill for an act relating to state lands; providing for the purchase of certain lands by the department of natural resources; providing an appropriation.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, strike "department of natural resources" and insert "university of Minnesota"

Page 2, line 5, after "growth" insert ", by the freshwater biological institute"

Page 2, line 7, strike "department of natural resources" and insert "university of Minnesota"

Amend the title as follows:

Line 3, strike "department" and insert "university"

Line 4, strike "natural resources" and insert "Minnesota"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was re-referred

S. F. No. 683: A bill for an act relating to the establishment of parks, playgrounds and scenic areas by the county of Anoka; amending Laws 1961, Chapter 209, Sections 1 and 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1362: A bill for an act relating to game and fish;

exempting certain disabled residents from the requirements of obtaining a fishing license; amending Minnesota Statutes 1976, Section 98.47, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 544: A bill for an act relating to public employment labor relations; clarifying and revising the powers and duties of the director of the bureau of mediation services and the public employment relations board; authorizing the director to decertify exclusive representatives and to clarify or amend appropriate bargaining units; exempting the public employment relations board from the administrative procedure act; authorizing the public employment relations board to obtain administrative services and staff subject to appropriation, and to issue notices, subpoenas and orders; revising the criteria for determining appropriate units; authorizing the appeal of certain decisions by the public employment relations board to the supreme court; revising the compensation of arbitrators; eliminating the independent review of grievances; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 179.61; 179.62; 179.63, Subdivisions 1, 6, 8, 9, 9a, 10, 11, 13, 14 and 17; 179.64, Subdivision 7; 179.65, Subdivisions 1, 2 and 6; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivisions 1, 4, 5, 6, 14, and by adding a subdivision; 179.68; 179.69, Subdivisions 1 and 2; 179.70, Subdivision 1; 179.71, Subdivisions 2, 3, 4 and 5; 179.72, Subdivisions 1, 3, 4, 6 and 7; 179.74, Subdivisions 2 and 4; repealing Minnesota Statutes 1976, Section 179.76.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, strike section 1

Page 10, line 20, reinstate "statute"

Page 10, line 21, strike "law"

Pages 11 and 12, strike section 21

Page 25, line 14, strike "by mutual agreement" and insert "*if either party requests*"

Page 25, line 14, strike "may" and insert "*shall*"

Page 25, line 24, after the stricken word "upon" insert "by"

Page 25, line 24, reinstate "a" and strike "by"

Page 25, lines 25 to 29, reinstate the stricken language

Page 25, line 28, strike the reinstated "\$100" and insert "\$160"

Page 25, line 29, strike "fees,"

Page 25, line 30, strike "or arbitrator"

Page 25, line 31, after the period, insert "*In those cases where a single arbitrator is hearing a dispute, the fees, expenses and costs of the arbitrator shall be shared and assessed equally by the parties to the dispute.*"

Page 28, line 8, strike "35" and insert "33"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, strike "exempting the public"

Page 1, strike line 9

Page 1, line 10, strike "procedure act;"

Page 1, line 20, strike "15.0411, Subdivision 2;"

Page 1, line 24, strike "1,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1070: A bill for an act relating to franchises; concerning franchise fees; amending Minnesota Statutes 1976, Sections 80C.01, Subdivisions 4 and 9; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, after "*beverages*" insert "*at wholesale, if the supplier's sales in this state exceed 300,000 barrels per year*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1179: A bill for an act relating to savings associations; investments in certain obligations; amending Minnesota Statutes 1976, Section 51A.35.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 19, insert:

"Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1086: A bill for an act relating to license fees; increasing maximum fees for off-sale intoxicating liquor licenses; and for licenses for the sale of cigarettes; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 14 and 461.12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, strike "maximum"

Page 2, line 4, after the second "license" insert "*shall be established by the municipality issuing the license*"

Page 2, strike lines 5 through 7

Page 2, line 8, strike "exceed the sum of" and strike "\$2,000 annually"

Page 2, line 11, strike "; in all cities of over"

Page 2, strike lines 12 through 19

Page 2, line 20, strike everything except the period

Amend the title as follows:

Page 1, line 2, strike "increasing" and insert "permitting municipalities to set"

Page 1, line 3, before the semicolon, insert "with a maximum annual increase in fees"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1337: A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, and 17, and by adding a subdivision; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "legislature" insert "*and except as may otherwise be provided in this act*"

Page 1, line 27, after "320," insert "*the international union of operating engineers, local No. 49,*"

Page 2, line 4, after the period insert "A state employee whose exclusive representative, as defined by section 179.63, subdivision 6, has not executed an agreement with the state covering wages and economic fringe benefits on or before May 15, 1977, shall not receive the wage and economic fringe benefit increases provided by this act."

Page 2, line 25, strike "appointments" and insert "appointment"

Page 5, line 7, strike "and"

Page 5, after line 27, insert "Employees who are classified as highway maintenance worker, senior and who are employed by the department of transportation and assigned to the central office and districts 5 and 9 shall, in addition, be granted a one time lump sum payment of \$400."

Page 9, line 27, strike "through" and insert "and"

Page 11, lines 12 and 13, strike "as otherwise provided in this section" and insert "for classification reassignments effective July 6, 1977,"

Page 17, line 27, after "effective" insert "the first day of the first payroll period commencing on or after"

Page 17, line 27, strike "6" and insert "1"

Page 17, line 31, after "Effective" insert "the first day of the first payroll period commencing on or after"

Page 17, line 31, strike "5" and insert "1"

Page 19, after line 10, insert:

"Sec. 24. The commissioner of public safety shall promulgate a rule providing that criminal investigators shall receive a clothing allowance of \$100 per year in lieu of any other clothing allowance pursuant to section 299C.04. The commissioner shall have emergency rule-making authority in respect to this matter in order to implement the provisions of a collectively bargained agreement.

Sec. 25. [REVISOR'S INSTRUCTIONS.] In respect to a collectively bargained contract with the state covering a period beginning on and after July 1, 1979, the revisor of statutes shall provide the members of the legislature with copies of the contract showing additions and deletions from contract language in effect for the immediately preceding contract period. Where appropriate, the revisor shall consolidate provisions which are identical from contracts of two or more bargaining units.

Sec. 26. [APPROPRIATIONS.] There is appropriated from the general fund to the commissioner of finance for the two years beginning with the effective date of this act the sum of \$56,003,354 to pay direct compensation increases and economic benefit increases provided for employees of the state covered by provisions in this act."

Page 19, line 14, after "effective" insert "the first day of the first payroll period commencing on or after"

Renumber sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1249: A bill for an act relating to state employees; providing for investment options for deferred compensation; amending Minnesota Statutes 1976, Section 352.96, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "shares" insert " *, accounts or contracts*"

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 1976, Section 352.96, Subdivision 3, is amended to read:

Subd. 3. [EXECUTIVE DIRECTOR TO ADMINISTER SECTION.] The provisions of this section shall be administered by the executive director of the Minnesota state retirement system pursuant to the provisions of subdivision 4. *If the state board of investment so elects, it may solicit bids for options under subdivision 2, clauses (b) and (c). All contracts must be approved prior to execution by the state board of investment. All contracts shall provide that all options in subdivision 2 shall be presented in an unbiased manner, shall conform to all rules promulgated by the executive director, shall report on a period basis to all employees participating in the deferred compensation program, and shall not unreasonably solicit state employees to participate in the program. The contract may not call for any person to jeopardize the tax-deferred status of moneys invested by state employees pursuant to this section. All costs or fees paid shall be paid by the underwriting companies ultimately selected by the state board of investment.*

Sec. 3. Minnesota Statutes 1976, Section 352.96, Subdivision 4, is amended to read:

Subd. 4. [EXECUTIVE DIRECTOR TO ESTABLISH RULES.] The executive director of the Minnesota state retirement system shall establish rules, ~~regulations~~, and procedures to carry out the provisions of this section including allocation of administrative costs against the assets accumulated under this section. Funds to pay such costs are hereby appropriated from the fund or account in which the assets accumulated under this section are placed. *Rules adopted after July 1, 1977, must be approved by the state board of investment. A state employee shall not be permitted to make payments under the plan until the plan or applicable component thereof has been approved as to its tax-deferred status by the internal revenue service.*

Sec. 4. [EFFECTIVE DATE.] *This act is effective on the first day of the first payroll period after July 1, 1977.*"

Amend the title as follows:

Line 5, strike "Subdivision 2" and insert "Subdivisions 2, 3, and 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1410: A bill for an act relating to the attorney general; changing appointments; removing restrictions on assignment of deputy and assistant attorneys general; amending Minnesota Statutes 1976, Sections 8.02 and 268.12, Subdivision 5; repealing Minnesota Statutes 1976, Sections 8.023; 8.024; 8.026, and 84.025, Subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1369: A bill for an act relating to the cities of St. Paul, Minneapolis, and Duluth; firemen's survivor benefits; amending Laws 1955, Chapter 375, Section 25, as amended; Laws 1965, Chapter 519, Section 1, as amended; and Laws 1975, Chapter 127, Section 2, as amended.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 559: A bill for an act relating to state lands; authorizing the conveyance of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike "transfer and convey" and insert "lease"

Page 1, line 16, strike "conveyance" and insert "lease"

Page 4, line 28, strike "quitclaim deed" and insert "lease"

Page 4, line 28, after the period insert "Notwithstanding any other law to the contrary, the lease shall be for a 20-year period and shall be renewed as long as the conditions specified in subdivision 1 are fulfilled to the satisfaction of the Minnesota Historical Society and upon the recommendation of its executive committee."

Page 4, line 29, strike "quitclaim deed" and insert "lease"

Page 4, line 31, after "the" insert "leased"

Page 4, line 31, strike "conveyed"

Page 5, line 1, strike "of conveyance" and insert "on which the lease is issued"

Page 5, line 1, strike "conveyed" and insert "lease shall terminate and the leased"

Amend the title as follows:

Page 1, line 3, strike "conveyance" and insert "lease"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1082: A bill for an act relating to agriculture; produce; inspection; fees; potato grading; labeling and inspection; prohibiting certain sales of artificially colored potatoes; amending Minnesota Statutes 1976, Sections 27.07; 30.10; 30.20; and Chapter 30, by adding sections; repealing Minnesota Statutes 1976, Sections 30.121; 30.13; 30.14; and 30.478.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 2, after "agriculture;" insert "clarifying the commissioner's authority to establish certain"

Page 1, line 2, after "produce" strike the semicolon

Page 1, line 2, after "inspection" strike the semicolon

Page 1, line 3, strike "; potato grading; labeling and inspection" and insert "to grade potatoes"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 522: A bill for an act relating to watersheds; providing for the issuance of county bonds to pay the cost of watershed district improvements; amending Minnesota Statutes 1976, Section 112.60, Subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Upon filing of the statement as provided in Minnesota Statutes, Section 112.60, Subdivision 1, or upon approval by the managers of watershed districts located primarily in Hennepin county and the Hennepin county board of improvements constituting a part of the basic water management features of the

overall plan of the district, determined by the managers to be financed by an annual district tax levy pursuant to Minnesota Statutes, Section 112.61, Subdivision 3, the Hennepin county board shall provide funds to meet the total cost of the improvements, as shown by the report and order of the managers of the district, and for such purposes is authorized to issue bonds of the county, in such amount as may be necessary. In authorizing the bonds the Hennepin county board shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper. The bonds so authorized may be issued without the submission of the question of their issuance to the electors unless within 30 days after the second publication of the resolution a petition requesting an election signed by more than five percent of the qualified electors voting in the county at the last general election is filed with the county auditor. In the event a petition is filed, no bonds shall be issued under this subdivision unless authorized by a majority of the electors voting on the question. The bonds shall be issued, sold and secured in the manner provided by Minnesota Statutes, Section 106.411, except that the bonds shall be primarily payable from the special assessments set forth in the managers' statement or, as the case may be, from the watershed district tax levy, and shall be made payable at the times and in the amounts estimated by the Hennepin county board to be provided from the special assessments or tax levies. After the determination of the managers to finance improvements from a tax levy, the levy shall be extended annually against all taxable lots and parcels of land within the watershed district at a rate sufficient to produce the amounts required for payment of the bonds and interest thereon, not exceeding the rate or period provided in Minnesota Statutes, Section 112.61, Subdivision 3. The bonds shall be a general obligation of the county. The cost of the issuance and administering of any bonds issued pursuant to this section shall be payable from the revenue created by the sale of such bonds, and the obligation for payment for services in the issuance and administering of such bonds shall be the obligation of the watershed district for which such bonds were issued.

Sec. 2. This act is effective on the day following its final enactment."

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to watersheds located primarily in Hennepin county; providing for the issuance of Hennepin county bonds to pay the cost of watershed district improvements initiated by petition of a municipality."

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Davies from the Committee on Judiciary, to which was re-referred

S. F. No. 645: A bill for an act relating to vital statistics; re-

quiring reporting; establishing registration districts; defining terms; providing penalties; repealing Minnesota Statutes 1976, Sections 144.151 to 144.205; 517.071; 517.08, Subdivisions 2 and 3; and 518.001.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 15 to 17

Renumber the subdivisions in sequence

Page 2, line 7, after "abortion" and before the period insert " , as defined in section 145.411, subdivision 5"

Page 2, line 12, after "or" insert "dead"

Page 2, line 20, strike "such"

Page 2, line 27, after "practice" insert "medicine"

Page 3, line 11, strike "divorce" and insert "dissolution"

Page 3, after line 12, insert:

"Subd. 15. "Local registrar" means an individual designated under section 4, subdivision 1, to perform the duties of a local registrar."

Page 3, line 14, after "CREATION" insert "; STATE REGISTRAR"

Page 3, line 15, strike "to be headed by" and insert "under the supervision of"

Page 3, line 27, strike "RESPONSIBILITY" and insert "DUTIES"

Page 3, line 31, after "18" and before the period insert " , and shall supervise the enforcement of sections 1 to 18 and the rules promulgated thereunder by the local registrars in the registration districts"

Page 4, line 15, after "appoint" insert "a"

Page 4, line 16, strike "registrars" and insert "registrar"

Page 4, line 16, strike "them" and insert "each registration district so established"

Page 4, line 19, strike the comma

Page 4, line 21, strike "another for the unexpired" and insert "a successor to serve as local registrar"

Page 4, line 22, strike "part of his term"

Page 4, line 28, strike "state" and insert "local"

Page 4, strike lines 29 to 31 and insert "enforce the provisions of sections 1 to 18 and the rules promulgated thereunder within the registration district, and shall promptly report violations of the laws or rules to the state registrar."

Page 5, line 3, strike "transportation"

Page 5, line 3, after "permits" insert "for the transportation of dead bodies or dead fetuses"

Page 5, line 4, after "by" insert "rule of"

Page 5, line 10, strike "The birth certificate of a child born out of"

Page 5, strike line 11

Page 5, line 31, strike "unless both the" and insert ". The name of the husband shall be removed from the birth certificate only by order of the court after a judicial determination that the husband is not the father of the child or that another man is the father of the child."

Page 5, strike line 32

Page 6, strike line 1

Page 6, line 5, strike "without the written consent of the" and insert "unless the father has filed with the district court of the state registrar an acknowledgment of paternity, and the mother does not dispute the acknowledgment within a reasonable time after receiving notice of the filing. "

Page 6, strike lines 6 to 8

Page 6, line 11, strike "and" and insert ". If the order of the court declares the name of the child, it shall also be entered on the birth certificate; if the order of the court does not declare the name of the child, then"

Page 6, line 17, strike the period and insert a colon

Page 7, line 7 after the first "the" insert "appropriate"

Page 7, line 20, after "for" insert "a"

Page 7, line 20, after "hearing" insert "on"

Page 7, line 21, strike "said" and insert "the"

Page 8, line 7, after "order" and before the period insert "or pursuant to any provision of law which permits access to the information contained on the original birth certificate"

Page 8, line 10, strike ", and the original certificate shall be public"

Page 8, line 27, strike "A"

Page 8, strike lines 28 to 31, and insert "If, in cases in which a certificate of birth has been registered pursuant to section 5, subdivision 5, the natural parents of the child marry after the birth of the child, a new certificate of birth shall be issued"

Page 8, line 32, strike ", if the state registrar receives" and insert "upon presentation of"

Page 9, line 3, strike "affidavit" and insert "acknowledgment"

Page 9, line 4, strike "is" and insert "and the original certificate of birth are"

Page 10, line 2, strike "the best" and insert "a"

Page 10, line 3, strike "available"

Page 10, lines 29 and 31, strike "dead fetus is born" and insert "fetal death occurs"

Page 11, line 15, after "or" insert "dead"

Page 11, line 18, strike "sexton, or other"

Page 11, line 21, after "or" insert "dead"

Page 11, line 22, strike "Each" and insert "Every"

Page 11, line 23, strike "any" and insert "a"

Page 11, line 27, strike "as such" and insert "in that capacity"

Page 11, line 30, after "to" insert "the"

Page 12, line 26, after "and" insert "the"

Page 12, strike lines 27 to 32 and insert:

"Subd. 2. Upon order of a court of this state or upon request of a court of another state, or upon the filing of an acknowledgment of paternity with the state registrar or the appropriate court which is not disputed by the mother named on the original birth certificate within a reasonable time after being informed of the filing, a new birth certificate shall be issued and registered consistent with the findings of the court or with the acknowledgment of paternity."

Page 13, line 4, strike "provided that access to records" and insert a period

Page 13, strike lines 5 and 6

Page 13, line 11, strike "; provided" and insert a period

Page 13, line 12, strike "that"

Page 13, strike lines 17 to 22

Renumber the subdivision in sequence

Page 13, line 26, after "or" insert "the"

Page 14, line 1, strike "needed in connection with" and insert "required for"

Page 14, line 2, after the second "or" insert "required"

Page 14, line 5, strike "needed" and insert "requested"

Page 14, line 6, strike "in connection with the needs of" and insert "for the discharge of his duties relating to"

Page 14, line 14, after "record" insert a comma

Page 15, line 5, after "or" insert "dead"

Page 15, line 7, strike "such" and insert "the"

Page 15, line 7, after "to" insert "the"

Page 15, line 21, strike "this act" and insert "sections 1 to 18,"

Page 15, line 22, strike "shall be" and insert ", is"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 896: A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned, annual payments, and attorneys fees for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; prescribing a property tax credit for land crossed by high voltage transmission lines; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; 116C.69; 273.42; 276.04; and Chapters 116C, by adding a section; and 273, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 31, strike "shall mean" and insert "*means*"

Page 2, line 2, strike "regulation" and insert "*rule*"

Page 2, line 6, place quotation marks around "construction"

Page 2, line 6, strike "shall"

Page 2, line 9, strike "*mean*" and insert "*means*"

Page 2, lines 18, 23, and 27, strike "*shall mean*" and insert "*means*"

Page 3, lines 19 and 20, strike "*such*" and insert "*the*"

Page 6, line 14, strike "; APPROVAL OF TRANSMISSION" and insert "AND"

Page 6, line 15, strike "LINE" and "AND FACILITY CONSTRUCTION"

Page 6, line 15, after the semicolon insert "PROCEDURES; CONSIDERATIONS;"

Page 6, line 16, strike "RESPONSIBILITIES" and insert "EXEMPTION"

Page 7, line 29, after "*specified in*" insert "*section 116C.55, subdivision 2, and the responsibilities, procedures and considerations specified in*"

Page 8, line 8, strike "APPROVAL" and insert "DESIGNATION"

Page 8, line 8, strike "AND FACILITY"

Page 8, line 9, strike "CONSTRUCTION" and "; EXEMPTION"

Page 8, line 25, strike "*any such*" and insert "*the*"

Page 10, line 4, strike "*insure*" and insert "*meet*"

Page 12, line 3, after the semicolon insert "*and*"

Page 12, lines 6 and 12, restore the stricken language, and strike the new language

Page 12, line 7, strike "Where" and insert "If"

Page 13, line 7, after "*may*" insert "*by rule*"

Page 13, line 9, after "*The*" insert "*permanent*"

Page 13, line 11, strike "*high voltage transmission line*" and insert "*route*"

Page 14, line 8, strike "*Provided,*"

Page 14, line 9, strike "*however, that*"

Page 14, line 26, strike "*councils*" and insert "*commissions*"

Page 15, line 10, strike "*procedure*" and insert "*proceeding*"

Page 15, line 18, after "*governing*" insert "*reimbursement of*"

Page 17, line 3, strike "*Their*" and insert "*The*"

Page 17, lines 13 to 18, strike all of subdivision 3

Page 17, lines 30 and 31, strike all of subdivision 5

Renumber the subdivisions in sequence

Page 20, line 5, strike "*The office of*"

Page 20, strike lines 6 to 9

Page 20, line 10, strike "*participation in these processes.*"

Page 20, line 13, after the period insert "*The provisions of*"

Page 20, line 13, strike the comma

Page 20, after line 16 insert

"The chief hearing examiner shall, prior to January 1, 1978, adopt procedural rules for public hearings relating to the site and route designation process and to the route exemption pro-

cess. The rules shall attempt to maximize citizen participation in these processes."

Page 21, line 4, strike "shall be" and insert "is"

Page 22, line 4, strike "3" and insert "2a"

Page 22, line 4, restore "3" and strike "4"

Page 22, line 31, strike "such" and insert "the"

Page 27, line 10, after "The" insert "environmental quality"

Page 27, lines 19 and 28, strike "office of" and insert "chief"

Page 27, lines 19 and 28, strike "examiners" and insert "examiner"

Page 27, line 22, strike "concerning the conduct of" and insert "establishing procedures for"

And when so amended the bill do pass and be re-referred to the Committee on Energy and Housing. 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. 1382: A bill for an act relating to the city of St. Paul; providing that the employees of the housing and redevelopment authority of the city of St. Paul may remain employees of the authority or become employees of the city as the governing body of the city may determine; amending Laws 1976, Chapter 234, Section 4, Subdivision 4, and by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Local Government shown in the Journal for April 23, 1977, that "when so amended the bill do pass and be placed on the Consent Calendar" 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. 1384: A bill for an act relating to the city of Saint Paul; establishing a public housing agency; transferring functions from housing and redevelopment authority.

Reports the same back with the recommendation that the report from the Committee on Local Government shown in the Journal for April 23, 1977, that "when so amended the bill do pass and be placed on the Consent Calendar" be adopted. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was re-referred

S. F. No. 1106: A bill for an act relating to solid waste dis-

posal; authorizing counties to prohibit transportation of solid waste to other counties for disposal; authorizing counties to designate disposal sites for solid waste generated within their boundaries; amending Minnesota Statutes 1976, Section 400.04, by adding a subdivision.

Reports the same back with the recommendation that the bill be re-referred to the Subcommittee on Bill Scheduling. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was re-referred

S. F. No. 1078: A bill for an act relating to transportation; restructuring state and local financing of the operations of the Twin Cities metropolitan transit commission; requiring performance funding; changing the taxing authority of the commission; authorizing the sale of bonds for particular purposes; limiting operating deficits on all regular routes; providing for initiation of and reimbursement for certain new routes; requiring reduced transit tax levy in municipalities with no subsidized transit service; establishing reduced fare service for the elderly, students and handicapped and reimbursing the commission for such service; extending the statewide supplemental transit aid program; establishing a statewide paratransit demonstration grant program; defining "transit"; requiring annual permits for overlength articulated buses; granting powers to and imposing duties on the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 169.81, by adding a subdivision; 473.121, Subdivision 19, and by adding a subdivision; 473.402; 473.421; 473.423, Subdivision 1; 473.446, Subdivision 1; Chapters 174, by adding a section; and 473, by adding sections; repealing Minnesota Statutes 1976, Section 473.446, Subdivisions 4 and 5.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rules 35, together with the committee report thereon,

S. F. No. 753: A bill for an act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on trailers; dimensional specifications for trailer number plates; amending Minnesota Statutes 1976, Sections 168.013, Subdivision 1d; and 168.12.

Reports the same back with the recommendation that the report from the Committee on General Legislation and Veterans Affairs shown in the Journal for April 18, 1977, that "when so amended the bill do pass and be placed on the Consent Calendar" 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. 632: A bill for an act relating to pollution control; prescribing application fees for certain permits issued by the pollution control agency.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources shown in the Journal for April 14, 1977, that "when so amended the bill do pass and be re-referred to the Committee on Finance" 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. 978: A bill for an act relating to Hennepin county and tax levies and bond issues for the purposes of the county park reserve district; amending Laws 1967, Chapter 721, Section 2, as amended.

Reports the same back with the recommendation that the report from the Committee on Local Government shown in the Journal for April 14, 1977, that "when so amended the bill do pass" be adopted. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S. F. No. 1347 and H. F. No. 7

Reports the same back with the recommendation that the bills be re-referred as follows:

S. F. No. 1347 to the Committee on Education.

H. F. No. 7 to the Committee on Employment.

Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which was referred

H. F. No. 61 for comparison to companion Senate File, reports the following House File was found identical and recommends the House File be given its Second Reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
		61	3		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which were referred

H. F. Nos. 541, 103, 763 for comparison to 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.
541	410			763	208
103	521				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 541 be amended as follows:

Page 1, line 12, delete "defective or faulty workmanship,"

Page 1, line 22, after "deduction" insert ", unless authorized in writing by the employee,"

And when so amended, H. F. No. 541 will be identical to S. F. No. 410 and further recommends that H. F. No. 541 be given its second reading and substituted for S. F. No. 410 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 103 be amended as follows:

Page 1, line 17, delete the first comma

Page 2, lines 6 and 7, delete "*at the direction of*" and insert "*if directed to leave by*"

And when so amended, H. F. No. 103 will be identical to S. F. No. 521 and further recommends that H. F. No. 103 be given its second reading and substituted for S. F. No. 521 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 763 be amended as follows:

Page 1, line 7, delete "PROVISIONS" and insert "TERMS"

Page 1, line 10, after "assign" insert "or offer to assign"

Page 1, line 11, delete "which does not"

Page 1, delete lines 12 to 14

Page 1, line 15, delete everything except the second "for"

Page 1, line 18, after "and" insert

"(1) which does not relate (a) directly to the business of the employer or (b) to the employer's actual or demonstrably anticipated research or development, or (2) which does not result from any work performed by the employee for the employer."

Page 1, line 20, delete "shall" and insert "is"

Page 2, delete lines 3 to 14 and insert

"Subd. 3. If an employment agreement entered into after the effective date of this act contains a provision requiring the employee to assign or offer to assign any of his rights in any inven-

tion to his employer, the employer must also, at the time the agreement is made, provide a written notification to the employee that the agreement does not apply to an invention for which no equipment, supplies, facility or trade secret information of the employer was used and which was developed entirely on the employee's own time, and (1) which does not relate (a) directly to the business of the employer or (b) to the employer's actual or demonstrably anticipated research or development, or (2) which does not result from any work performed by the employee for the employer."

Further amend the title in line 3, by deleting "contracts" and inserting "agreements"

And when so amended, H. F. No. 763 will be identical to S. F. No. 208 and further recommends that H. F. No. 763 be given its second reading and substituted for S. F. No. 208 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. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 73: A bill for an act relating to weather modification; prescribing powers and duties for the commissioner of agriculture; providing for weather modification research; requiring the obtaining of licenses and permits prior to engaging in weather modification; prescribing penalties; creating a weather modification advisory council.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. It shall be illegal to use a ground-based cloud seeding apparatus as a method for attempting to modify the weather.

Sec. 2. This act is effective the day following its final enactment."

Amend the title as follows:

Page 1, strike lines 2 to 8 and insert:

"relating to weather modification; prohibiting ground-based cloud seeding apparatus; prescribing a penalty."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1133: A bill for an act relating to environmental protection; prohibiting the storage of certain radioactive wastes in Minnesota; providing a penalty.

Reports the same back with recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [116C.71] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 3, the terms defined in this section have the meaning given them.

Subd. 2. “Byproduct nuclear material” means any radioactive material, except special nuclear material, which is yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

Subd. 3. “Radioactive waste storage” means the discarding, treatment, recycling or decontamination of radioactive wastes, or their collection, maintenance or storage at a waste storage site.

Subd. 4. “Radioactive waste storage or disposal facility” means a geographical site including buildings, structures and equipment, in or upon which radioactive wastes are retained for the sole purpose of storage or disposal.

Subd. 5. “Person” means any individual, corporation, partnership or other unincorporated association or governmental agency.

Subd. 6. “Radioactive waste” means:

(a) Any capturable radioactive material, including but not limited to spent fuel, naturally occurring or accelerator-produced isotopes, and byproduct nuclear material, source nuclear material or special nuclear material; or

(b) Discarded, useless or unwanted containers, receptacles, tools, instruments, clothing, and other matter which has been contaminated with radioactivity incidental to the use or transportation of radioactive material.

Subd. 7. “Source nuclear material” means:

(a) Uranium or thorium or any combination thereof, in any physical or chemical form; or

(b) Ores which contain by weight one-twentieth of one percent or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

Subd. 8. “Special nuclear material” means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Nuclear Regulatory Commission, pursuant to the Atomic Energy Act of 1954 as amended, determines to be special nuclear material; or

(b) Any material artificially enriched by any of the materials described in clause (a). Special nuclear material does not include source nuclear material.

Sec. 2. [116C.72] [NON-MINNESOTA RADIOACTIVE WASTES.] Notwithstanding any provision of Minnesota Statutes,

Chapter 116H, to the contrary, no person shall transport radioactive wastes into the state of Minnesota for the sole purpose of disposing or storing the wastes within the state except that such wastes may be transported into the state and stored in accordance with applicable federal and state rules for up to 12 months pending transportation out of the state for ultimate disposal.

Sec. 3. [116C.73] [PENALTIES.] Any person causing radioactive wastes to be shipped in violation of section 2 shall be guilty of a gross misdemeanor and subject to a fine of not more than \$10,000 or a sentence of imprisonment of not more than one year, or both.

Sec. 4. [EFFECTIVE DATE.] This act is effective the day following its final enactment."

Strike the title and insert:

"A bill for an act relating to environmental protection; prohibiting transportation of radioactive wastes into Minnesota for purposes of storage or disposal; providing exceptions; prescribing penalties."

And when so amended the bill do pass. Mr. Davies questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 97: A bill for an act relating to public utilities; providing for a lifeline rate for electricity; amending Minnesota Statutes 1976, Chapter 216B, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, strike everything after the period

Page 1, strike line 8

Page 1, line 9, strike "[216B.031] [LIFELINE RATES.] *Subdivision 1.*"

Page 1, lines 13, 14 and 18, after "*electricity*" insert "and natural gas"

Page 1, line 19, strike "*section*" and insert "act"

Page 1, line 20, strike "*Subd.*" and insert "Sec."

Page 1, line 20, strike "*section*" and insert "act"

Page 2, line 3, strike "*Subd.*" and insert "Sec."

Page 2, line 3, strike "*section*" and insert "act"

Page 2, strike lines 7 through 29 and insert:

"Sec. 4. The department of public service shall conduct a study examining the feasibility of requiring specific rates for lifeline

quantities of natural gas and electricity in Minnesota, and the alternatives for implementation of lifeline rates if lifeline rates are recommended. The public service commission shall appoint an advisory task force consisting of five non-legislator members who represent the various persons potentially affected by lifeline rates, plus one member of the house of representatives appointed by the speaker of the house and one member of the senate appointed by the subcommittee on committees. Non-legislator members shall be governed by section 15.059, subdivision 6. The department of public service shall consult with the advisory panel during the course of its study and prior to making its recommendations.

Sec. 5. On or before January 1, 1978, the public service department shall report to the legislature the results of its study and make its recommendations regarding lifeline rates.

Sec. 6. There is appropriated \$21,000 to the public service department to effectuate the purposes of this act."

Renumber the remaining section

Delete all underlining in the bill

Amend the title as follows:

Page 1, line 2, after "a" insert "study of"

Page 1, line 3, strike "rate" and insert "rates"

Page 1, line 3, strike "; amending Minnesota" and insert "and natural gas; appropriating money."

Page 1, strike line 4

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 330: A bill for an act relating to insurance; regulating the use of credit life and credit health and accident insurance; amending Minnesota Statutes 1976, Sections 61A.12, by adding subdivisions; 62B.01; 62B.04, Subdivision 1; 62B.05; 62B.06, by adding subdivisions; 62B.07, Subdivision 2, and by adding a subdivision; 62B.08, Subdivision 2, and by adding subdivisions; and 62B.11.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 53.051, is amended to read:

53.051 [INSURANCE IN CONNECTION WITH LOANS.] Any policy or certificate of insurance procured by a licensee in connection with any loan or transaction subject to this chapter, for

which the premium has been paid by the obligor or obligors out of the proceeds of the loan or transaction, shall contain the amount and description of the coverage, all of the terms and conditions, the period of time for which it is written, the premium therefor, and shall be delivered to the obligor or obligors within a reasonable time. No policy or certificate providing life insurance or accident and health benefits shall be written for a term extending more than 15 days beyond the maturity of the related obligation and shall not provide benefits greater than the initial amount of such obligation.

If the coverage provides credit accident and health insurance, the policy or certificate shall contain a provision that if the insured obligor is disabled, as defined in the policy, for a period of more than 14 days, benefits shall commence as of the first day of disability.

In case there are multiple obligors under a transaction subject to such chapter, no policy or certificate of insurance providing life insurance or accident and health benefits shall be procured by or through a licensee upon more than one of such obligors.

A policy or certificate for credit accident and health insurance shall disclose whether or not the benefits shall commence as of the first day of disability and shall further disclose the number of days that an insured obligor must be disabled, as defined in the policy, before benefits, whether retroactive or non-retroactive, shall commence.

In case there are multiple obligors under a transaction subject to this chapter, credit life and accident and health insurance, or either type of coverage, may be written on each obligor who elects such coverage.

If an obligation is prepaid in full by cash, a new loan, refinancing, or otherwise, any policy or certificate of insurance providing life insurance or accident and health benefits procured by or through a licensee and for which the premium has been paid by the obligor out of the proceeds of the obligation shall be cancelled upon surrender of the policy, certificate or other evidence and the unearned premium refunded unless the obligor shall request in writing that such insurance be continued in force, and a copy of such written request shall be delivered to the insured at time of signature.

No licensee shall decline to accept a policy of insurance furnished by the borrower from another source.

Sec. 2. Minnesota Statutes 1976, Section 56.15, Subdivision 2, is amended to read:

Subd. 2. No licensee shall, directly or indirectly, sell or offer for sale any insurance in connection with any loan made under this chapter except as and to the extent authorized by this section. Life, accident and health insurance, or any of them, may be written upon or in connection with any loan for a term not extending beyond the final maturity date of the loan contract but only upon one

~~obligor on any one loan contract.~~ The amount of life insurance shall at no time exceed the unpaid balance of principal and charges combined which are scheduled to be outstanding under the terms of the loan contract or the actual amount unpaid on the loan contract, whichever is greater. Accident and health insurance shall provide benefits not in excess of the unpaid balance scheduled to be outstanding under the terms of the loan contract and the amount of each periodic benefit payment shall not exceed the total amount payable divided by the number of installments and shall provide that if the insured obligor is disabled, as defined in the policy, for a period of more than 14 days, benefits shall commence as of the first day of disability ~~disclose whether or not the benefits shall commence as of the first day of disability and shall further disclose the number of days that an insured obligor must be disabled, as defined in the policy, before benefits, whether retroactive or non-retroactive, shall commence.~~ In case there are multiple obligors under a transaction subject to this chapter, credit life and accident and health insurance, or either type of coverage, may be written on each obligor who elects such coverage. The premium or identifiable charge for such insurance shall not exceed that filed by the insurer with the insurance division of the department of commerce. Such charge, computed at the time the loan is made for the full term of the loan contract on the total amount required to pay principal and charges, may be deducted from the proceeds or may be included as part of the principal of any loan. If a borrower procures insurance by or through a licensee, the statement required by section 56.14 of this chapter shall disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time. No licensee shall decline new or existing insurance which meets the standards set out herein nor prevent any obligor from obtaining such insurance coverage from other sources. ~~If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise (except by the insurance) any life, accident and health insurance procured by or through a licensee shall be cancelled and a refund of the unearned premium or identifiable charge shall be rebated.~~ Notwithstanding any other provision of this chapter, any gain or advantage to the licensee or to any employee, affiliate, or associate of the licensee from such insurance or the sale or provision thereof shall not be deemed to be additional or further charges in connection with such loan; nor shall any of the provisions pertaining to insurance contained in this section be deemed prohibited by any other provision of this chapter.

Sec. 3. Minnesota Statutes 1976, Section 62B.04, Subdivision 1, is amended to read:

62B.04 [AMOUNT OF CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE.] Subdivision 1. [CREDIT LIFE INSURANCE.] (1) The initial amount of credit life insurance shall not exceed the total amount repayable under the contract of indebtedness. Thereafter, if the indebtedness is repayable in substantially equal installments, the amount of insurance shall not exceed the scheduled or actual amount of

indebtedness, whichever is greater, unless the debtor is apprised of his right to have insurance covering only the scheduled or actual amount of indebtedness, at a lesser cost than level term insurance, and the debtor nonetheless elects in writing to carry level term insurance. A transaction under section 53.04 wherein the certificate of indebtedness provides for payment in substantially equal installments shall constitute an indebtedness repayable in substantially equal installments under this subdivision.

(2) Notwithstanding the provisions of subdivision 1, paragraph clause (1) of this or any other section, insurance on educational, agricultural and horticultural credit transaction commitments may be written for the amount of the portion of such the commitment that has not been advanced by the creditor.

Sec. 4. Minnesota Statutes 1976, Section 62B.05, is amended to read:

62B.05 [TERM OF CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE.] The term of any credit life insurance or credit accident and health insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor, except that, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to the indebtedness shall commence on the effective date of the policy. Where evidence of insurability is required and the evidence is furnished more than 30 days after the date when the debtor becomes obligated to the creditor, the term of the insurance may commence on the date on which the insurance company determines the evidence to be satisfactory, and in that event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance. The term of the insurance shall not extend more than 15 days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness, unless the debtor requests in writing that it be continued. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited as provided in section 62B.08.

If an obligation is prepaid in full before its scheduled maturity, except by a new loan from or by refinancing through the same obligee and except by performance of the insurer's obligation under the policy, any policy or certificate of insurance providing life insurance or accident and health benefits procured by or through an obligee and for which the premium has been paid by the obligor or obligors out of the proceeds of the obligation shall be cancelled upon surrender of the policy, certificate or other evidence and the unearned premium refunded.

If, on or after July 1, 1978, an obligation is prepaid in full by a new loan or by refinancing by the same obligee through which the obligor procured such insurance, such insurance shall be

deemed cancelled if any new policy or certificate for the same type of insurance is issued in connection with the new loan or refinancing, and the unearned premium refunded.

If, after the effective date hereof but before July 1, 1978, an obligation is prepaid in full by a new loan or by refinancing by the same obligee through which the obligor procured such insurance, the policy or certificate may be continued in force.

Any refund made hereunder shall be paid or credited as provided in section 62B.08.

Sec. 5. Minnesota Statutes 1976, Section 61A.12, is amended by adding a subdivision to read:

Subd. 5. [SUBSTITUTION.] When a creditor requires credit life insurance, credit accident and health insurance, or both, as additional security for an indebtedness, the debtor shall be given the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or procuring and furnishing the required coverage through any insurer authorized to transact insurance business in this state. If this subdivision is applicable, the debtor shall be informed by the creditor of his right to provide alternative coverage before the transaction is completed."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "eliminating level term credit life insurance; eliminating "pyramiding" of credit life insurance; permitting joint life credit insurance policies; permitting certain classes of credit accident and health insurance;"

Page 1, line 5, after "Sections" insert "53.051; 56.15, Subdivision 2;"

Page 1, line 5, strike "subdivisions" and insert "a subdivision" and strike "62B.01;"

Page 1, line 6, after the first semicolon insert "and"

Page 1, line 6, strike "; 62B.06, by adding" and insert a period

Page 1, strike lines 7 to 9

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1339: A bill for an act relating to the Minnesota housing finance agency; providing for unclassified employees; amending Minnesota Statutes 1976, Section 43.09, Subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, strike "and"

Page 2, line 28, after "revenue" insert ", and the Minnesota housing finance agency"

Page 2, line 31, reinstate "and"

Page 2, line 31, strike ", and the"

Page 2, line 32, strike "Minnesota housing finance agency"

Page 3, after line 7, insert

"Sec. 2. *This act is effective the day following final enactment.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1293: A bill for an act relating to the Minnesota society for the prevention of cruelty; providing for the appointment of the members of the board of directors by the governor; amending Minnesota Statutes 1976, Section 343.01, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 343.01, is amended to read:

343.01 [PURPOSES; POWERS; COUNTY ORGANIZATION.] Subdivision 1. ~~The Minnesota society for the prevention of cruelty which may also be known or designated itself as the~~ Minnesota humane society is hereby confirmed and continued, with all existing powers, for the purpose of inculcating humane principles, the enforcement of law, and the prevention of cruelty, especially to animals. The Minnesota humane society may make reasonable rules governing the humane care, treatment, transportation, and in extreme cases the disposition by death or sale of animals as it deems expedient to accomplish its purposes. It may appoint representatives in any county where no active county society exists, for the purpose of receiving and accounting for funds from any source, and may also appoint agents at large to carry out the work of the society throughout the state. This society and all county societies may appoint agents for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals. Branches of the society, consisting of not less than ten members, may be organized in any part of the state to prosecute the work of the society in their several localities under rules established by it. It may ~~elect officers and make such~~ *elect officers and make such* rules and bylaws as are necessary to implement the provisions of this chapter.

Subd. 2. It shall be unlawful for any organization, association, firm or corporation not authorized by this chapter to refer to itself as or in any way to use the names ~~Minnesota~~ Minnesota society for the

prevention of cruelty, the Minnesota humane society, or any combination of words or phrases using the above names which would imply that it represents, acts in behalf or is a branch of said society.

Subd. 3. The society shall be governed by a board of directors consisting of seven persons appointed by the governor. The governor, the commissioner of education and the attorney general, or their designees shall serve as ex-officio, non-voting members of the board. The membership terms, compensation, removal and filling of vacancies of board members other than ex-officio members shall be as provided in section 15.0575; provided that the terms of two initial members shall expire in each of 1979, 1980, and 1981, and the term of the seventh initial member shall expire in 1982. The members of the board shall annually elect a chairman and other officers as deemed necessary. Meetings shall be called by the chairman or at least two other members. The board may employ staff who shall serve in the unclassified civil service at the pleasure of the board. The commissioner of administration upon request of the board shall supply the board with necessary office space and administrative services, and the board shall reimburse the commissioner for the cost thereof.

Sec. 2. Minnesota Statutes 1976, Section 343.06, is amended to read:

343.06 [DUTIES.] It shall be the duty of the ~~state bureau of animal protection~~ *Minnesota humane society* to secure the enforcement of the laws for the prevention of wrongs to animals; to assist in the organization of district and county societies and the appointment of local and state agents, and give them representation in the state ~~bureau society~~ ; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to animals which may now or hereafter exist, and to promote the growth of education and sentiment favorable to the protection of animals.

Sec. 3. Minnesota Statutes 1976, Section 343.08, is amended to read:

343.08 [BIENNIAL REPORT.] *The board of directors of the state bureau of animal protection society shall make a biennial report before October ± November 15 , in each even numbered year, to the secretary of state governor and the legislature , embracing its proceedings for the preceding year biennium, and statistics showing its work.*

Sec. 4. *The terms of office of the members of the Minnesota humane society who served on June 30, 1977, shall terminate on the effective date of this act, except that those members may continue to serve until their successors are appointed. Nothing in this act shall be deemed to prohibit the governor from re-appointing any of those members of the board of directors as reconstituted by this act.*

Sec. 5. *Minnesota Statutes 1976, Sections 343.02, 343.03, 343.04, 343.05, 343.07 and 343.09 are repealed.*

Sec. 6. *This act is effective July 1, 1977.*"

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to the Minnesota humane society; restructuring its board; making miscellaneous operational changes; repealing obsolete language; amending Minnesota Statutes 1976, Sections 343.01; 343.06 and 343.08; repealing Minnesota Statutes 1976, Sections 343.02; 343.03; 343.04; 343.05; 343.07 and 343.09."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was re-referred

S. F. No. 1027: A bill for an act relating to the organization and operation of state government; education; changing the name and membership of the higher education coordinating board; prescribing additional duties for the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.01; 136A.02, Subdivisions 1, 1a, and 2; 136A.03; 136A.04; 136A.05; and 136A.07.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, after the period insert "*No member of the board or any member's spouse may be employed by, or be a member of a governing body of any institution subject to the jurisdiction of the board of governors for post-secondary and higher education.*"

Page 2, line 14, strike "3" and insert "4"

Page 3, line 12, after "*chancellor*" insert "*, with the advice and consent of the senate.*"

Page 3, line 13, after "*The*" insert "*chancellor shall serve at the pleasure of the governor for a four year term coterminous with the term of the governor. The chancellor with the approval of the*"

Page 3, line 14, strike "it" and insert "*the board*"

Page 3, line 21, after "*The*" insert "*chancellor with the approval of the*"

Page 3, line 24, strike "commensurate"

Page 3, strike line 25

Page 3, line 26, strike everything before the period and insert "*within the limits of a salary plan approved by the commissioner of personnel. The salary of the chancellor and deputy chancellor shall be as provided by law*"

Page 3, line 28, strike "officer or professional"

Page 6, line 14, after "*board*" insert "*and the governor*"

Page 6, line 24, before "*All*" insert "*Conduct*"

Page 6, line 24, strike "*by the board shall be*"

Page 6, line 25, strike "conducted" and after "finance" insert "and the governor"

Page 6, after line 25, insert:

"No later than January 1, 1979, the board shall submit to the finance and appropriations committees of the legislature for review and approval, policy guidelines to be used by the university of Minnesota, community colleges, state universities, and area vocational technical institutes in their preparation of operating and capital budget requests for the succeeding biennium. Commencing with the biennium beginning July 1, 1981, the university of Minnesota, community colleges, state universities, and area vocational technical institutes shall have employed the guidelines in developing their budget proposals. The guidelines shall provide policy direction on:

(a) size of the post-secondary and higher education physical facilities by region;

(b) size of programs by region;

(c) public financing of continuing education for adults and institutional missions with respect to continuing education programs; and

(d) tuition and financial aid policy for undergraduate students enrolled in academic and vocational/technical programs."

Page 8, line 15, strike "1" and insert "2"

Page 8, after line 29, insert:

"Sec. 12. This act is effective July 1, 1977."

Further, amend the title as follows:

Page 1, line 6, after the first semicolon insert "restricting the staff of the board;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1349: A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Section 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, Subdivision

1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 363.04, Subdivisions 4, 4a and 5; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 26, insert:

"Sec. 3. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

[15.0595] [COMPENSATION AND PER DIEM; SOURCE OF FUNDS.] *The source of payment of per diems and expenses for agencies governed by sections 15.0575 and 15.058 shall be appropriations or funds otherwise available to the agencies. The source of payment of per diems and expenses for agencies governed by section 15.059 shall be appropriation or funds otherwise available to the appointing authority of agency members.*"

Page 9, after line 17, insert:

"Sec. 17. Minnesota Statutes 1976, Section 238.04, Subdivision 2, is amended to read:

Subd. 2. *Members shall be appointed by the governor with the advice and consent of the senate. No more than four members shall be from the same political party.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon insert "providing for the source of per diem and expense payments;"

Page 1, line 22, after "1;" insert "238.04, Subdivision 2;"

Page 1, line 23, after "5;" insert "Chapter 15, by adding a section;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1055: A bill for an act relating to retirement; judges' survivors' benefits; option to continue.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 912: A bill for an act relating to education; pro-

viding for the correction or elimination of erroneous, ambiguous, omitted and obsolete references and text; amending Minnesota Statutes 1976, Sections 120.02, Subdivision 18; 120.10, Subdivision 3; 120.17, Subdivision 5a; 120.171; 120.66; 121.02, Subdivision 1; 121.09; 121.12; 121.21, Subdivision 6; 121.212, Subdivision 1; 121.28; 121.49; 121.86; 122.34; 123.34, Subdivisions 6, 8 and 10; 123.35, Subdivision 4; 123.36, Subdivision 5; 123.37, Subdivisions 1 and 13; 123.39, Subdivision 6; 123.40, Subdivision 5; 123.58, Subdivisions 2, 4, 6 and 10; 123.581, Subdivisions 4 and 7; 123.69, Subdivision 2; 123.79, Subdivision 1; 124.09; 124.15, Subdivision 2; 124.17, Subdivision 2; 124.30, Subdivision 5; 124.38, Subdivision 10; 124.41, Subdivision 1; 124.47, Subdivision 1; 124.561, Subdivision 3; 125.05, Subdivision 3; 125.08; 125.12, Subdivisions 6b and 9; 125.183, Subdivision 5; 125.185, Subdivision 5; 136.09, Subdivision 3; 136.11, Subdivision 4; 136.141; 136.142, Subdivision 1; 136.145; 136.15; 136.31, Subdivision 2; 136A.142; 136A.17, Subdivision 1; 136A.172; 136A.173, Subdivision 1; 136A.174; 136A.175, Subdivision 4; 136A.176; 136A.177; 136A.178; 136A.179; 136A.233; 136A.28; 137.01, Subdivision 2; 275.09, Subdivision 4; 375.08; 375.14; 382.01; repealing Minnesota Statutes 1976, Sections 120.02, Subdivision 11; 121.16, Subdivision 2; 122.26; 124.562, Subdivision 6; 124.563, Subdivision 4; 136.87, Subdivision 3; Laws 1965, Chapter 705, Section 1, Subdivisions 12, 13, 14, 15, 16 and 17; Laws 1969, Chapter 699, Section 2; Laws 1969, Chapters 969 and 1110; and Laws 1971, Chapter 256.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, strike section 1

Page 5, line 32, strike "on the first Tuesday"

Page 12, strike section 18

Page 42 and page 43, strike section 63

Page 46, line 24, strike "*levied by a school board pursuant to*" and insert "*law*"

Page 46, line 25, strike "*section 275.125*"

Page 48, line 22, strike "969" and insert "939"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 5, strike "120.02,"

Page 1, line 6, strike "Subdivision 18;"

Page 1, line 10, strike "123.35,"

Page 1, line 11, strike "Subdivision 4;"

Page 1, line 27, strike "136A.233;"

Page 1, line 35, strike "969" and insert "939"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 913: A bill for an act relating to education; correcting and eliminating certain erroneous and obsolete references and text relating to state universities and community colleges; amending Minnesota Statutes 1976, Sections 136.016, Subdivision 1; 136.60, Subdivision 1, and by adding a subdivision; 136.603; 136.62; 136.621, Subdivision 1; repealing Minnesota Statutes 1976, Sections 136.016, Subdivisions 2, 3, 4, 5 and 6; 136.60, Subdivision 2; 136.601; 136.602; 136.621, Subdivisions 2 and 3; and 136.66.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike section 1

Page 2, strike lines 7 to 26 and insert:

"Subd. 3. The community colleges shall be located at Coon Rapids, Austin, Brainerd, Fergus Falls, Hibbing, Inver Grove Heights, Grand Rapids, White Bear Lake, Virginia, Minneapolis, Bloomington, Brooklyn Park, Thief River Falls, International Falls, Rochester, Ely, Willmar, and Worthington."

Page 2, after line 26, insert:

"Sec. 3. Minnesota Statutes 1976, Section 136.602, is amended to read:

136.602 [ADDITIONAL COMMUNITY COLLEGES.] In addition to the community colleges authorized in Minnesota Statutes 1967, Sections Section 136.60 and 136.601, two community colleges are established under the jurisdiction of the state board for community colleges, one of which shall be located at Fairmont and the other at a site to be designated by the state board for community colleges at one of the sites recommended by the higher education coordinating board; namely, Alexandria, Cambridge, Hutchinson, New Ulm and Owatonna. This direction does not imply rejection of the remaining named sites, nor does it preclude legislative selection of alternative or additional sites."

Page 3, line 4, after "136.62," insert "Subdivision 1,"

Page 3, after line 12, insert

"Sec. 6. Minnesota Statutes 1976, Section 136.62, Subdivision 2, is amended to read:"

Page 3, strike all of subdivision 3

Page 3, before line 31, insert

"Sec. 7. Minnesota Statutes 1976, Section 136.62, Subdivision 4, is amended to read:"

Page 4, strike lines 7 to 19

Page 4, line 20, strike "state board for community colleges"

Page 4, strike lines 22 to 28

Page 4, before line 29, insert

"Sec. 8. Minnesota Statutes 1976, Section 136.62, Subdivision 5, is amended to read:

Page 5, line 10, strike "*Subdivisions 2, 3, 4, 5, and 6*"

Page 5, line 11, strike "*136.602;*" and insert "*136.62, subdivision 3;*"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 6, strike "*136.016, Subdivision 1;*"

Page 1, line 7, after the semicolon, insert "*136.602;*"

Page 1, line 8, after "*136.62*" insert "*, Subdivisions 1, 2, 4 and 5*"

Page 1, line 9, after "*136.016*" strike the comma

Page 1, line 10, strike "*Subdivisions 2, 3, 4, 5, and 6*"

Page 1, line 11, strike "*136.602;*" and insert "*136.62, Subdivision 3;*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 808: A bill for an act relating to education; authorizing certain teachers to take extended leaves of absence; providing for retirement benefits of teachers on leave; amending Minnesota Statutes 1974, Chapters 354, by adding a section; and 354A, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after "*begins*" insert "*, unless he is discharged or placed on unrequested leave of absence or his contract is terminated pursuant to section 125.17 or 125.12, while he is on the extended leave*"

Page 2, line 6, strike "*1974*" and insert "*1976*"

Page 3, line 7, strike "*1974*" and insert "*1976*"

Further, amend the title as follows:

Page 1, line 5, strike "*1974*" and insert "*1976*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which were referred

H. F. Nos. 800, 1208 and 809 for comparison to 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.
800	781	809	952	1208	999

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 809 be amended as follows:

Page 1, line 10, strike "hereby is" and insert "*shall be*"

Page 1, line 12, after "state" insert "*upon a favorable vote of a majority of the voters of Big Stone county and Lac qui Parle county voting on the question at the next general election pursuant to Article XII, Section 3, of the Minnesota Constitution*"

Further amend the title in lines 1 and 2 by deleting "changing the boundary line between Lac qui Parle county and Big Stone county;" and inserting "relating to Lac qui Parle and Big Stone counties; changing the boundary lines between the counties;"

And when so amended, H. F. No. 809 will be identical to S. F. No. 952 and further recommends that H. F. No. 809 be given its second reading and substituted for S. F. No. 952 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 800 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 609.135, Subdivision 1, is amended to read:

609.135 [STAY OF IMPOSITION OR EXECUTION OF SENTENCE.] Subdivision 1. Except when a sentence of life imprisonment is required by law, *or when a person is convicted of one of the crimes specified under section 609.11, subdivision 1, and had in his possession a firearm or used another dangerous weapon*, any court, including a justice of the peace to the extent otherwise authorized by law, may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

Sec. 2. Minnesota Statutes 1976, Section 624.712, is amended by adding a subdivision to read:

Subd. 6. "Transfer" means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol or the frame or receiver of a pistol.

Sec. 3. Minnesota Statutes 1976, Chapter 624, is amended by adding a section to read:

[624.7131] [REPORT OF TRANSFER.] *Subdivision 1. Except as provided in this section, every person who agrees to transfer a pistol shall report the following information in writing to the chief of police of the organized full-time police department of the*

municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number of the proposed transferee;

(b) The sex, date of birth, height, weight, color of eyes and hair and other distinguishing characteristics, if any, of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol; and

(d) The name, residence and telephone number of the transferor and the date of the agreement to transfer. If the transferor is a federally licensed firearms dealer, the address of his place of business shall be submitted in lieu of his residence.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system.

Subd. 3. [NOTIFICATION.] The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail his right of appeal under subdivision 12.

Subd. 4. [DELIVERY.] No person shall deliver a pistol to a proposed transferee until 14 days after the date of the agreement to transfer as stated on the report delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the 14 day waiting period.

No person shall deliver a pistol to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within 14 days of the date of the agreement to transfer, the pistol may be delivered to the transferee.

Subd. 5. [GROUNDS FOR DISQUALIFICATION] A determination by the chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a pistol shall be the sole basis for a notification of disqualification under this section.

Subd. 6. [IMMEDIATE TRANSFERS.] The chief of police

or sheriff may waive all or a portion of the 14 day waiting period for a transfer.

Subd. 7. [REPORT NOT REQUIRED.] *If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within 14 days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol may be made under subdivision 4.*

Subd. 8. [NUMBER OF PISTOLS.] *Any number of pistols may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section shall be construed to limit or restrict the number of pistols a person may acquire.*

Subd. 9. [RESTRICTION ON RECORDS.] *If, after a determination that he is not a person prohibited by section 624.713 from possessing a pistol, a transferee requests that no record be maintained of the fact that he is the transferee of a pistol, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.*

Subd. 10. [FORMS; COST.] *Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a pistol transfer.*

Subd. 11. [EXCLUSIONS.] *This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:*

(a) *A transfer by a person other than a federally licensed firearms dealer;*

(b) *A loan to a prospective transferee if the loan is intended for a period of no more than one day;*

(c) *The delivery of a pistol to a person for the purpose of repair, reconditioning or remodeling;*

(d) *A loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;*

(e) *A loan between persons at a firearms collectors exhibition;*

(f) *A loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;*

(g) A loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) A loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol by reason of his employment and is the holder of a valid permit to carry a pistol.

Subd. 12. [APPEAL.] A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol may appeal the determination as provided in this subdivision. In Hennepin and Ramsey counties the municipal court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol by section 624.713. The matter shall be heard de novo without a jury.

Subd. 13. [TRANSFER TO UNKNOWN PARTY.] (a) No person shall transfer a pistol to another who is not personally known to the transferor unless the proposed transferee presents evidence of his identity to the transferor. A person who transfers a pistol in violation of this clause is guilty of a misdemeanor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol unless he presents evidence of his identity to the transferor. A person who becomes a transferee of a pistol in violation of this clause is guilty of a misdemeanor.

Subd. 14. [PENALTIES.] A person who does any of the following is guilty of a gross misdemeanor:

(a) Transfers a pistol in violation of subdivisions 1 to 12 of this section;

(b) Transfers a pistol to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(c) Knowingly becomes a transferee in violation of subdivisions 1 to 12 of this section; or

(d) Makes a false statement in order to become a transferee of a pistol knowing or having reason to know the statement is false.

Subd. 15. [LOCAL REGULATION.] This section shall be construed to supersede municipal or county regulation of the transfer of pistols except more restrictive regulation in cities of the first class."

Further, strike the title and insert

"A bill for an act relating to crimes; regulating the transfer of pistols; requiring a waiting period for certain pistol transfers; re-

quiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; prescribing penalties; amending Minnesota Statutes 1976, Sections 609.135, Subdivision 1; 624.712, by adding a subdivision; and Chapter 624, by adding a section."

And when so amended, H. F. No. 800 will be identical to S. F. No. 781 and further recommends that H. F. No. 800 be given its second reading and substituted for S. F. No. 781 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1208 be amended as follows:

In the title, line 2, delete "commerce" and insert "mobile homes"

In line 3, delete "specifying"

Delete line 4 and insert "providing for termination of land leases;"

And when so amended, H. F. No. 1208 will be identical to S. F. No. 999 and further recommends that H. F. No. 1208 be given its second reading and substituted for S. F. No. 999 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1382, 1384, 1369, 1055 and 753 were read the second time.

S. F. Nos. 1467, 1051, 823, 1309, 1068, 646, 1423, 1336, 683, 1362, 544, 1070, 1179, 1086, 1249, 1410, 559, 1082, 645, 73, 330, 1339, 1293, 1349, 912, 913, 808 and 978 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 61, 541, 103, 800, 809, 1208 and 763 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Sikorski moved that the name of Mr. Stokowski be added as co-author to S. F. No. 1096. The motion prevailed.

Mr. Johnson moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1411. The motion prevailed.

Mr. Milton moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1461. The motion prevailed.

Mr. Solon moved that the name of Mr. Lessard be added as co-author to S. F. No. 356. The motion prevailed.

Mr. Tennessen moved that the name of Mr. Nelson be added as co-author to S. F. No. 811. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar and waive the lie-over requirement except for S. F. No. 109. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 411: A bill for an act relating to peace officers; providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 14, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Lessard	Penny	Sillers
Benedict	Hughes	Lewis	Perpich	Solon
Borden	Johnson	Luther	Peterson	Spear
Brataas	Keefe, J.	McCutcheon	Pillsbury	Staples
Chenoweth	Keefe, S.	Merriam	Schaaf	Stokowski
Coleman	Kleinbaum	Milton	Schmitz	Stumpf
Davies	Knoll	Nelson	Setzepfandt	Tennessen
Dieterich	Knutson	Nichols	Sieloff	Ulland, J.
Dunn	Laufenburger	Ogdahl	Sikorski	Vega

Those who voted in the negative were:

Bernhagen	Frederick	Menning	Renneke	Ueland, A.
Chmielewski	Gunderson	Moe	Schrom	Willet
Engler	Jensen	Olhoft	Strand	

So the bill passed and its title was agreed to.

S. F. No. 541: A bill for an act relating to the operation of state government; authorizing value analysis of certain department of transportation construction projects; establishing procedures for implementing value analysis change proposals.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Peterson	Stokowski
Bang	Gunderson	McCutcheon	Renneke	Strand
Benedict	Hughes	Menning	Schaaf	Stumpf
Bernhagen	Jensen	Merriam	Schmitz	Tennessee
Brataas	Johnson	Milton	Schrom	Ueland, A.
Chmielewski	Keefe, J.	Moe	Setzepfandt	Ulland, J.
Coleman	Keefe, S.	Nelson	Sieloff	Vega
Davies	Kleinbaum	Nichols	Sikorski	Willet
Dieterich	Knutson	Ogdahl	Sillers	
Dunn	Laufenburger	Olhoff	Solon	
Engler	Lessard	Penny	Spear	
Frederick	Lewis	Perpich	Staples	

So the bill passed and its title was agreed to.

S. F. No. 368: A bill for an act relating to health care; providing conversion privileges under certain accident and health insurance policies, health service plan subscriber contracts and health maintenance contracts, for spouses whose marriage is dissolved; amending Minnesota Statutes 1976, Chapters 62A, by adding a section; 62C, by adding a section; and 62D, 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Peterson	Stokowski
Bang	Gunderson	McCutcheon	Pillsbury	Strand
Benedict	Hughes	Menning	Renneke	Stumpf
Bernhagen	Jensen	Merriam	Schaaf	Tennessee
Brataas	Johnson	Milton	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Moe	Schrom	Ulland, J.
Coleman	Keefe, S.	Nelson	Setzepfandt	Vega
Davies	Kleinbaum	Nichols	Sieloff	Willet
Dieterich	Knutson	Ogdahl	Sillers	
Dunn	Laufenburger	Olhoff	Solon	
Engler	Lessard	Penny	Spear	
Frederick	Lewis	Perpich	Staples	

So the bill passed and its title was agreed to.

S. F. No. 616: A bill for an act relating to the disposition of unclaimed property; changing certain definitions; changing the length of time unclaimed property must be held before disposition; changing certain disposition procedures; amending Minnesota Statutes 1976, Sections 345.31, Subdivisions 3 and 6, 345.32, 345.33, 345.35, 345.37, 345.39, 345.41, 345.43, 345.47, and Chapter 345, by adding sections; repealing Minnesota Statutes 1976, Section 55.14.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Pillsbury	Stokowski
Bang	Gunderson	McCutcheon	Renneke	Strand
Benedict	Hughes	Menning	Schaaf	Stumpf
Bernhagen	Jensen	Merriam	Schmitz	Tennessee
Brataas	Johnson	Moe	Schrom	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Coleman	Keefe, S.	Nichols	Sieloff	Vega
Davies	Kleinbaum	Ogdahl	Sikorski	Willet
Dieterich	Knutson	Olhoff	Sillers	
Dunn	Laufenburger	Penny	Solon	
Engler	Lessard	Perpich	Spear	
Frederick	Lewis	Peterson	Staples	

So the bill passed and its title was agreed to.

S. F. No. 181: A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; amending Minnesota Statutes 1976, Sections 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.03, Subdivision 1; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Section 353.03, Subdivision 2a.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Peterson	Staples
Bang	Gunderson	McCutcheon	Pillsbury	Stokowski
Benedict	Hughes	Menning	Renneke	Strand
Bernhagen	Jensen	Merriam	Schaaf	Stumpf
Brataas	Johnson	Milton	Schmitz	Tennessee
Chmielewski	Keefe, J.	Moe	Schrom	Ueland, A.
Coleman	Keefe, S.	Nelson	Setzepfandt	Ulland, J.
Davies	Kleinbaum	Nichols	Sieloff	Vega
Dieterich	Knutson	Ogdahl	Sikorski	Willet
Dunn	Laufenburger	Olhoff	Sillers	
Engler	Lessard	Penny	Solon	
Frederick	Lewis	Perpich	Spear	

So the bill passed and its title was agreed to.

S. F. No. 558: A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

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 15, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	McCutcheon	Renneke	Strand
Bang	Frederick	Menning	Schmitz	Tennesen
Benedict	Gearty	Moe	Schrom	Ueland, A.
Bernhagen	Johnson	Nelson	Setzepfandt	Ulland, J.
Brataas	Keefe, J.	Nichols	Sieloff	Vega
Chmielewski	Kleinbaum	Olhoft	Sillers	Willet
Coleman	Knutson	Penny	Solon	
Davies	Laufenburger	Peterson	Staples	
Dunn	Lessard	Pillsbury	Stokowski	

Those who voted in the negative were:

Dieterich	Jensen	Luther	Ogdahl	Sikorski
Gunderson	Keefe, S.	Merriam	Perpich	Spear
Hughes	Lewis	Milton	Schaaf	Stumpf

So the bill passed and its title was agreed to.

S. F. No. 833: A bill for an act relating to highways; state-aid system; contracts for construction and improvement of county state-aid highways and municipal state-aid streets; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Sections 162.04 and 162.10.

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 57 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Peterson	Staples
Bang	Gunderson	McCutcheon	Pillsbury	Stokowski
Benedict	Hughes	Menning	Renneke	Strand
Bernhagen	Jensen	Merriam	Schaaf	Stumpf
Borden	Johnson	Milton	Schmitz	Tennesen
Brataas	Keefe, J.	Moe	Schrom	Ueland, A.
Chmielewski	Keefe, S.	Nelson	Setzepfandt	Ulland, J.
Coleman	Kleinbaum	Nichols	Sieloff	Vega
Davies	Knutson	Ogdahl	Sikorski	Willet
Dunn	Laufenburger	Olhoft	Sillers	
Engler	Lessard	Penny	Solon	
Frederick	Lewis	Perpich	Spear	

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 796: A bill for an act relating to health; prohibiting the operation of professional nursing business without a license; amending Minnesota Statutes 1976, Sections 148.271; 148.281, by adding a subdivision; and 319A.02, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lewis	Perpich	Spear
Bang	Gearty	Luther	Peterson	Staples
Benedict	Gunderson	McCutcheon	Pillsbury	Stokowski
Bernhagen	Hughes	Menning	Renneke	Strand
Borden	Jensen	Merriam	Schaaf	Stumpf
Brataas	Johnson	Milton	Schmitz	Tennessee
Chmielewski	Keefe, J.	Moe	Schrom	Ueland, A.
Coleman	Keefe, S.	Nelson	Setzepfandt	Ulland, J.
Davies	Kleinbaum	Nichols	Sieloff	Vega
Dieterich	Knutson	Ogdahl	Sikorski	Willet
Dunn	Laufenburger	Olhoff	Sillers	
Engler	Lessard	Penny	Solon	

So the bill passed and its title was agreed to.

S. F. No. 825: A bill for an act relating to eminent domain; court appointed commissioners; disqualifying certain attorneys from acting as a commissioner; amending Minnesota Statutes 1976, Section 117.075.

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 48 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Luther	Penny	Stokowski
Benedict	Gunderson	McCutcheon	Peterson	Strand
Bernhagen	Hughes	Menning	Pillsbury	Stumpf
Brataas	Jensen	Merriam	Renneke	Tennessee
Chmielewski	Johnson	Milton	Schaaf	Ueland, A.
Coleman	Keefe, S.	Moe	Schmitz	Ulland, J.
Davies	Kleinbaum	Nelson	Schrom	Vega
Dieterich	Knutson	Nichols	Setzepfandt	Willet
Dunn	Laufenburger	Ogdahl	Solon	
Engler	Lewis	Olhoff	Spear	

Those who voted in the negative were:

Bang	Keefe, J.	Perpich	Sillers	Staples
Gearty	Lessard	Sieloff		

So the bill passed and its title was agreed to.

S. F. No. 760: A bill for an act relating to natural resources; establishing a season for taking deer and bear with muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.27, Subdivisions 2 and 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 42 and nays 16, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Luther	Peterson	Strand
Bernhagen	Gearty	McCutcheon	Pillsbury	Stumpf
Borden	Gunderson	Menning	Renneke	Tennessee
Brataas	Jensen	Merriam	Schaaf	Ueland, A.
Coleman	Keefe, J.	Moe	Setzepfandt	Ulland, J.
Davies	Kleinbaum	Nelson	Sieloff	Willet
Dieterich	Knutson	Nichols	Sillers	
Dunn	Laufenburger	Olhoft	Solon	
Engler	Lessard	Penny	Stokowski	

Those who voted in the negative were:

Bang	Johnson	Milton	Schmitz	Spear
Benedict	Keefe, S.	Ogdahl	Schrom	Staples
Chmielewski	Lewis	Perpich	Sikorski	Vega
Hughes				

So the bill passed and its title was agreed to.

S. F. No. 963: A bill for an act relating to public safety; permitting only owners of gas containers to fill them with industrial gases; amending Minnesota Statutes 1976, Section 299F.40.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lewis	Peterson	Staples
Bang	Gearty	Luther	Pillsbury	Stokowski
Benedict	Gunderson	McCutcheon	Renneke	Strand
Bernhagen	Hughes	Menning	Schaaf	Stumpf
Borden	Jensen	Merriam	Schmitz	Tennessee
Brataas	Johnson	Moe	Schrom	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Coleman	Keefe, S.	Nichols	Sieloff	Vega
Davies	Kleinbaum	Ogdahl	Sikorski	Willet
Dieterich	Knutson	Olhoft	Sillers	
Dunn	Laufenburger	Penny	Solon	
Engler	Lessard	Perpich	Spear	

So the bill passed and its title was agreed to.

S. F. No. 426: A bill for an act relating to motor vehicles; providing for limiting licenses to attend chemical dependency programs; amending Minnesota Statutes 1976, Section 171.30, 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 55 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lewis	Perpich	Solon
Bang	Gearty	Luther	Peterson	Spear
Benedict	Gunderson	McCutcheon	Pillsbury	Staples
Bernhagen	Hughes	Menning	Renneke	Stokowski
Borden	Jensen	Merriam	Schaaf	Strand
Brataas	Johnson	Milton	Schmitz	Stumpf
Chmielewski	Keefe, J.	Moe	Schrom	Tennessee
Coleman	Keefe, S.	Nelson	Setzpfandt	Ueland, A.
Davies	Kleinbaum	Nichols	Sieloff	Ulland, J.
Dieterich	Laufenburger	Olhoft	Sikorski	Vega
Engler	Lessard	Penny	Sillers	Willet

Messrs. Dunn, Knutson and Ogdahl voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 628: A bill for an act relating to counties; extending the compliance date for county official controls; amending Minnesota Statutes 1976, Section 394.312.

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 57 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lewis	Peterson	Staples
Bang	Gearty	McCutcheon	Pillsbury	Stokowski
Benedict	Gunderson	Menning	Renneke	Strand
Bernhagen	Hughes	Merriam	Schaaf	Stumpf
Borden	Jensen	Milton	Schmitz	Tennessee
Brataas	Johnson	Moe	Schrom	Ueland, A.
Chenoweth	Keefe, J.	Nelson	Setzpfandt	Ulland, J.
Chmielewski	Keefe, S.	Nichols	Sieloff	Vega
Coleman	Kleinbaum	Ogdahl	Sikorski	Willet
Davies	Knutson	Olhoft	Sillers	
Dunn	Laufenburger	Penny	Solon	
Engler	Lessard	Perpich	Spear	

Messrs. Dieterich and Luther voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1004: A bill for an act relating to metropolitan government; providing for the investment of metropolitan airports commission funds; amending Minnesota Statutes 1976, Section 473.606, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Chenoweth	Dunn	Hughes	Laufenburger
Bang	Chmielewski	Engler	Jensen	Lessard
Benedict	Coleman	Frederick	Keefe, J.	Lewis
Bernhagen	Davies	Gearty	Keefe, S.	Luther
Borden	Dieterich	Gunderson	Kleinbaum	McCutcheon

Menning	Ogdahl	Schrom	Spear	Ueland, A.
Merriam	Olhoft	Setzepfandt	Staples	Ulland, J
Milton	Penny	Sieloff	Stokowski	Vega
Moe	Pillsbury	Sikorski	Strand	Willet
Nelson	Renneke	Sillers	Stumpf	
Nichols	Schmitz	Solon	Tennessee	

Those who voted in the negative were:

Brataas	Knutson	Perpich	Peterson	Schaaf
Johnson				

So the bill passed and its title was agreed to.

S. F. No. 356: A bill for an act relating to veterans; authorizing a memorial plaque; providing a property tax credit for veterans awarded the congressional medal of honor; amending Minnesota Statutes 1976, Section 273.13, Subdivision 15a, and by adding a subdivision; and Chapter 196, 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 54 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Laufenburger	Penny	Sillers
Bang	Frederick	Lessard	Perpich	Solon
Benedict	Engler	Lewis	Peterson	Staples
Bernhagen	Gearty	Luther	Pillsbury	Stokowski
Borden	Hughes	McCutcheon	Renneke	Strand
Brataas	Jensen	Menning	Schaaf	Tennessee
Chenoweth	Johnson	Merriam	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Milton	Schrom	Ulland, J.
Coleman	Kleinbaum	Moe	Setzepfandt	Vega
Davies	Knoll	Nelson	Sieloff	Willet
Dietrich	Knutson	Olhoft	Sikorski	

Those who voted in the negative were:

Gunderson	Nichols	Ogdahl	Spear	Stumpf
Keefe, S.				

So the bill passed and its title was agreed to.

S. F. No. 39: A bill for an act relating to peace officer training courses; providing for conduct of minimum basic training at approved post-secondary institutions or accredited institutions of higher learning; amending Minnesota Statutes 1976, Section 626.-851, Subdivision 2.

With the unanimous consent of the Senate, Mr. Kleinbaum moved to amend S. F. No. 39 as follows:

Page 2, line 5, after "and" insert "after meeting all other eligibility requirements,"

The motion prevailed. So the amendment was adopted.

S. F. No. 39 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Laufenburger	Olhoff	Sillers
Bang	Frederick	Lessard	Penny	Solon
Benedict	Gearty	Lewis	Perpich	Spear
Bernhagen	Gunderson	Luther	Peterson	Staples
Borden	Hughes	McCutcheon	Pillsbury	Stokowski
Brataas	Jensen	Menning	Renneke	Strand
Chenoweth	Johnson	Merriam	Schaaf	Stumpf
Chmielewski	Keefe, J.	Milton	Schmitz	Tennessee
Coleman	Keefe, S.	Moe	Schrom	Ueland, A.
Davies	Kleinbaum	Nelson	Setzepfandt	Ulland, J.
Dieterich	Knoll	Nichols	Sieloff	Vega
Dunn	Knutson	Ogdahl	Sikorski	Willet

So the bill, as amended, passed and its title was agreed to.

S. F. No. 1064: A bill for an act relating to the state board of investment; creating an advisory council; requiring annual reports; replacing existing agencies; amending Minnesota Statutes 1976, Chapter 11, by adding sections.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 4, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lessard	Olhoff	Solon
Benedict	Gearty	Lewis	Penny	Spear
Bernhagen	Gunderson	Luther	Peterson	Staples
Borden	Hughes	McCutcheon	Pillsbury	Stokowski
Brataas	Jensen	Menning	Schaaf	Strand
Chenoweth	Johnson	Merriam	Schmitz	Stumpf
Chmielewski	Keefe, J.	Milton	Schrom	Tennessee
Coleman	Keefe, S.	Moe	Setzepfandt	Ueland, A.
Davies	Kleinbaum	Nelson	Sieloff	Ulland, J.
Dieterich	Knoll	Nichols	Sikorski	Vega
Dunn	Laufenburger	Ogdahl	Sillers	Willet

Messrs. Ashbach, Knutson, Perpich and Renneke voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1028: A bill for an act relating to taxation; exempting certain aids to handicapped persons from property tax assessments; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Laufenburger	Olhoft	Sillers
Bang	Frederick	Lessard	Penny	Solon
Benedict	Gearty	Lewis	Perpich	Spear
Bernhagen	Gunderson	Luther	Peterson	Staples
Borden	Hughes	McCutcheon	Pillsbury	Stokowski
Brataas	Jensen	Menning	Renneke	Strand
Chenoweth	Johnson	Merriam	Schaaf	Stumpf
Chmielewski	Keefe, J.	Milton	Schmitz	Tennessee
Coleman	Keefe, S.	Moe	Schrom	Ueland, A.
Davies	Kleinbaum	Nelson	Setzepfandt	Ulland, J.
Dieterich	Knoll	Nichols	Sieloff	Vega
Dunn	Knutson	Ogdahl	Sikorski	Willet

So the bill passed and its title was agreed to.

S. F. No. 686: A bill for an act relating to animals; authorizing destruction rather than research use for unclaimed animals; amending Minnesota Statutes 1976, Section 35.71, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 40 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Knoll	Olhoft	Spear
Benedict	Gearty	Lessard	Penny	Staples
Borden	Hughes	Lewis	Perpich	Stokowski
Chenoweth	Jensen	Luther	Peterson	Stumpf
Chmielewski	Johnson	McCutcheon	Schaaf	Tennessee
Coleman	Keefe, J.	Merriam	Sieloff	Ulland, J.
Davies	Keefe, S.	Nelson	Sikorski	Vega
Dieterich	Kleinbaum	Nichols	Solon	Willet

Those who voted in the negative were:

Bang	Frederick	Menning	Renneke	Sillers
Bernhagen	Gunderson	Moe	Schmitz	Strand
Brataas	Knutson	Ogdahl	Schrom	Ueland, A.
Engler	Laufenburger	Pillsbury	Setzepfandt	

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S. F. No. 905: A bill for act relating to the city of Mora; authorizing the issuance of electric revenue refunding bonds.

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 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Laufenburger	Perpich	Spear
Bang	Frederick	Lessard	Peterson	Staples
Benedict	Gearty	Luther	Pillsbury	Stokowski
Bernhagen	Gunderson	McCutcheon	Renneke	Strand
Borden	Hughes	Menning	Schaaf	Stumpf
Brataas	Jensen	Merriam	Schmitz	Tennessee
Chenoweth	Johnson	Moe	Schrom	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Coleman	Keefe, S.	Nichols	Sieloff	Vega
Davies	Kleinbaum	Ogdahl	Sikorski	Willet
Dieterich	Knoll	Olhoft	Sillers	
Dunn	Knutson	Penny	Solon	

So the bill passed and its title was agreed to.

S. F. No. 1381: A bill for act relating to the city of Saint Paul; authorizing the city council to adopt rules permitting payroll deductions for nonprofit entities.

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 57 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lessard	Peterson	Staples
Bang	Gearty	Luther	Pillsbury	Stokowski
Benedict	Gunderson	McCutcheon	Renneke	Strand
Bernhagen	Hughes	Menning	Schaaf	Stumpf
Borden	Jensen	Merriam	Schmitz	Tennessee
Brataas	Johnson	Moe	Schrom	Ueland, A.
Chenoweth	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Chmielewski	Keefe, S.	Nichols	Sieloff	Vega
Coleman	Kleinbaum	Ogdahl	Sikorski	Willet
Dieterich	Knoll	Olhoft	Sillers	
Dunn	Knutson	Penny	Solon	
Engler	Laufenburger	Perpich	Spear	

Mr. Davies voted in the negative.

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar and waive the lie-over requirement. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 903, 572, 932, 882, 881, 968, 970, 971, 1175, 1138, 875, 1310, 1096, 973, 1014, 836, 997 and 397, which the committee recommends to pass.

S. F. No. 1118 which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S. F. No. 1118.

The roll was called, and there were yeas 27 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Menning	Pillsbury	Ueland, A.
Bernhagen	Gunderson	Nelson	Renneke	Ulland, J.
Brataas	Jensen	Ogdahl	Schmitz	Vega
Dieterich	Kleinbaum	Olhoft	Schrom	
Dunn	Knutson	Penny	Setzpfandt	
Engler	Laufenburger	Peterson	Sillers	

Those who voted in the negative were:

Benedict	Humphrey	Luther	Sikorski	Stokowski
Chenoweth	Johnson	McCutcheon	Solon	Strand
Coleman	Keefe, S.	Merriam	Spear	Stumpf
Davies	Knoll	Moe	Staples	Tennessee

The motion prevailed. So S. F. No. 1118 was recommended to pass.

S. F. No. 1150, which the committee recommends to pass with the following amendment offered by Mr. Keefe, S.:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 207.03, is amended to read:

207.03 [APPLICATION FOR BALLOTS.] *Subdivision 1.* At any time not more than 45 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to: (a) the auditor of the county in which the applicant is a resident; (b) the full time clerk of a municipality designated by the county auditor if the applicant is a resident of that municipality; or (c) the full time clerk of a municipality which has requested designation by the county auditor if the applicant is a resident of that municipality, for ballots and envelopes, by mailing to or filing with such auditor or such clerk an application substantially in the following form:

“APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of, State of Minnesota, residing at..... (here insert street and number) in said city, or town, because of (absence from home)....., (illness)....., (physical disability)....., (because of religious discipline or observance of a religious holiday) hereby makes application for the ballots to be voted upon in said precinct at the next election. Please mail said ballots and accompanying envelope to me at..... (insert post office address to which to be sent).....

Dated....., 19.....

(Signature of Applicant)”

An application need not be on an official or standard form. ~~It must~~ *An application submitted by mail shall be accepted if it contains the information above.*

If a person applies in person for an absentee ballot and must register by enclosing a completed registration card with his ballot, his application shall not be accepted unless he shall present, at the time of his application, proof of residence as required by section 201.061, subdivision 3.

Subd. 2. An eligible voter may apply for an absentee ballot on election day if he becomes a resident or patient on the day before election or on election day in a health care facility or hospital located in the municipality or county to which he applies. The voter may request an absentee ballot application directly from the judges engaged in delivering ballots pursuant to section 2 or by telephone to the municipal clerk or county auditor not later than noon on election day. An application shall be delivered to any such voter by the judges designated to deliver ballots pursuant to section 2.

Subd. 3. Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony. If the person applying for a ballot resides in a political subdivision which does not accept registration other than on election day and the individual is not registered in that political subdivision, the county auditor shall send a registration card and instructions for completing the registration card along with the ballots and envelopes. For the purposes of this chapter, "municipal clerk" shall mean the clerk designated pursuant to this section.

Sec. 2. Minnesota Statutes 1976, Chapter 207, is amended by adding a section to read:

[207.31] [HOSPITAL PATIENTS AND HEALTH CARE FACILITY RESIDENTS.] *Subdivision 1. [DELIVERY AND RETURN OF BALLOTS.] Each municipal clerk and county auditor shall designate election judges to deliver absentee ballots to any eligible voter who has applied for an absentee ballot as provided in section 207.03 and who is a resident or patient in a health care facility or hospital located in the municipality or county to which the application has been submitted. The ballots shall be delivered to any such voter by two election judges, each of whom is affiliated with a different political party. When the judges are engaged in delivering or returning ballots as provided in this section, they shall travel together in the same vehicle. Both judges shall be present when an applicant completes his voter's certificate and casts his absentee ballot, and may assist an applicant to mark his ballot in the manner provided in section 204A.34. The judges shall deposit the return envelopes containing the voted absentee*

ballots in a sealed container and deliver them to the clerk on the same day that they are delivered and cast. Except as provided in subdivision 2, the judges shall deliver absentee ballots to the applicant during the ten days preceding an election.

Subd. 2. [EXCEPTIONS TO TIME FOR DELIVERY.] *If an applicant as described in subdivision 1 notifies the municipal clerk or county auditor that he will not be available at the health care facility or hospital at any time during the ten day period preceding the election but will be available at an earlier time, the judges shall deliver the ballots to the applicant at an appropriate time prior to that ten day period. If an application is made pursuant to section 207.03, subdivision 2, the judges may deliver the ballots on election day.*

Sec. 3. Minnesota Statutes 1976, Section 207.05, Subdivision 1, is amended to read:

207.05 [APPLICATIONS FILED WITH AUDITOR OR MUNICIPAL CLERK; DELIVERY OF BALLOT.] Subdivision 1. [APPLICATION, DELIVERY.] *If any application is made either in person or by mail more than 30 days before election, the auditor or the municipal clerk shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 30 days of the election, he shall forthwith upon receipt of such application or as soon thereafter as ballots are available, mail, or deliver to the applicant, without charge, if he apply therefor in person, and fill out and sign the application blank specified in the manner provided in section 207.03, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified. The provisions of this subdivision shall not be construed to require mailing of absentee ballots to applicants to whom delivery by election judges is required pursuant to section 2.*

Sec. 4. Minnesota Statutes 1976, Section 207.10, is amended to read:

207.10 [VOTER TO MAIL BALLOT.] *Any qualified voter of any precinct of this state to whom ballots have been delivered by the county auditor or by the municipal clerk, may mark and mail the ballots so delivered to him at any place, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 207.08, and before an attesting witness belonging to one of the classes specified in the directions to voters. Ballots delivered to qualified voters pursuant to section 2 may be returned in person to the municipal clerk or county auditor by the judges who delivered the ballots. The municipal clerk or county auditor shall forthwith deliver those ballots to the judges of the appropriate precincts either by mail or in person.*

Sec. 5. Minnesota Statutes 1976, Section 207.101, is amended to read:

207.101 [CLERK OF MUNICIPALITY TO DELIVER

BALLOTS IN CERTAIN CASES.] Any clerk of a municipality who receives "Return Envelopes" as provided for in sections 207.08 and 207.20, subdivision 1 by mail, or by delivery in person by election judges pursuant to section 2, before the closing hours of the polls shall forthwith deliver them to the judges of election of the appropriate precincts in his municipality. "Return Envelopes" not delivered as provided herein shall promptly be sent to the county auditor by the clerk with a notation on the "Return Envelope" of the reason for nondelivery."

Amend the title as follows:

Page 1, strike lines 2 and 3 and insert

"relating to elections; requiring proof of residence for certain applicants for absentee ballots; permitting certain application for absentee ballot on the day before an election and on election day; directing delivery and return of certain absentee ballots by election judges;"

Page 1, line 4, strike "Section" and insert "Sections"

Page 1, line 4, after the semicolon, insert "207.05, Subdivision 1; 207.10; 207.101;"

S. F. No. 116 which the committee reports progress, after the following motion:

The question was taken on the recommendation to pass S. F. No. 116.

The roll was called, and there were yeas 25 and nays 31, as follows:

Those who voted in the affirmative were:

Benedict	Dieterich	Milton	Moe	Spear
Borden	Gearty	Knoll	Nelson	Staples
Chenoweth	Hughes	Luther	Schaaf	Stokowski
Coleman	Humphrey	McCutcheon	Sikorski	Tennessee
Davies	Johnson	Merriam	Solon	Vega

Those who voted in the negative were:

Ashbach	Frederick	Menning	Pillsbury	Ueland, A.
Bang	Gunderson	Nichols	Renneke	Ulland, J.
Bernhagen	Jensen	Olhoft	Schmitz	Willet
Brataas	Kleinbaum	Olson	Schrom	
Chmielewski	Knutson	Penny	Setzpfandt	
Dunn	Laufenburger	Perpich	Sillers	
Engler	Lessard	Peterson	Strand	

The motion did not prevail. S. F. No. 116 was then progressed.

S. F. No. 557, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 2, line 11, after the period insert "*This section shall not apply to any insurance purchased or carried for the purpose of*"

buying or selling any part of employer, its shares, its assets or its business. This section shall not apply to any insurance purchased or carried by any pension, profit-sharing or other retirement plan or trust."

S. F. No. 922, which the committee recommends to pass with the following amendment offered by Mr. Benedict:

Page 2, line 19, after the period insert "A handicapped person charged with violating subdivision 1 because he parked in a handicapped parking space without the required certificate or insignia shall not be convicted if he produces in court or prior to the court appearance the required certificate or insignia and demonstrates that he was entitled to the certificate or insignia at the time of arrest or tagging."

S. F. No. 969, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 3, line 28, strike "*in a district court*"

S. F. No. 967, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 2, line 13, strike "*in a district court*"

S. F. No. 1196, which the committee recommends to pass with the following amendment offered by Mr. Sillers:

Page 1, line 12, strike "EQUAL"

Page 1, line 12, after "TREATMENT" insert "UNDER CHAPTER 360"

Page 1, line 18, after the period, insert "*The commissioner shall not expend state money to pay the cost of any project at any such airport except to assist a municipality in this state to pay its share of the costs of the project as set forth in a joint agreement.*"

S. F. No. 626, which the committee recommends to pass with the following amendments offered by Mr. Willet:

Mr. Willet moved to amend S. F. No. 626 as follows:

Page 3, line 23, strike "*or*"

Page 3, line 24, strike "*similar structure*"

Mr. Willet then moved to amend S. F. No. 626 as follows:

Page 3, line 26, after "*parcel*" insert "*and all buildings except residential cabins*"

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Messages From the House, First Reading of House Bills and Reports of Committees.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted:

H. F. No. 1510.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 26, 1977

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H. F. No. 1510: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1452 now on General Orders.

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 were referred

S. F. Nos. 579, 928, 767, 1116, 1113, 399, 311, 1166, 1390, 830, 1300, 947, 603, 713, 787, 1183, 337, 1258, 1334, 798, 1120, 977, 627, 930, 1165, 1350, 1135, 403, 1311, 583, 1290, 1291, 442, 1029, 101, 1172, 497, 1338, 494, 832, 566, 734, and H. F. No. 229, makes the following report:

That S. F. Nos. 579, 928, 767, 1116, 1113, 399, 311, 1166, 1390, 830, 1300, 603, 713, 787, 1183, 337, 1258, 798, 1120, 977, 930, 1165, 1350, 1135, 403, 1311, 583, 1290, 1291, 442, 101, 1172, 497, 1338, 494, 832, 566, 734 and H. F. No. 229 be placed on the General Orders Calendar in the order indicated.

That S. F. No. 947 be re-referred to the Committee on Finance.

That S. F. Nos. 1334, 627 and 1029 be retained in the subcommittee.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 7:30 o'clock p.m., Wednesday, April 27, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-SECOND DAY

St. Paul, Minnesota, Wednesday, April 27, 1977

The Senate met at 7:30 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Gunderson	Lewis	Peterson	Stumpf
Benedict	Hanson	McCutcheon	Purfeerst	Tennessee
Chmielewski	Humphrey	Menning	Schmitz	Vega
Coleman	Johnson	Merriam	Setzepfandt	Willett
Davies	Kleinbaum	Milton	Sikorski	
Dieterich	Knoll	Nelson	Spear	
Engler	Laufenburger	Nichols	Staples	
Gearly	Lessard	Ogdahl	Strand	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. David P. Rebeck.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Laufenburger	Olson	Solon
Ashbach	Gearly	Lessard	Penny	Spear
Bang	Gunderson	Lewis	Peterson	Staples
Benedict	Hanson	Luther	Pillsbury	Stokowski
Bernhagen	Hughes	McCutcheon	Purfeerst	Strand
Borden	Humphrey	Menning	Renneke	Stumpf
Brataas	Jensen	Merriam	Schaaf	Tennessee
Chmielewski	Johnson	Milton	Schmitz	Ueland, A.
Coleman	Keefe, J.	Moe	Schrom	Ulland, J.
Davies	Keefe, S.	Nelson	Setzepfandt	Vega
Dieterich	Kleinbaum	Nichols	Sieloff	Wegener
Dunn	Knoll	Ogdahl	Sikorski	Willett
Engler	Knutson	Olhoff	Sillers	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Chenoweth and Perpich were excused from this evening's Session. Mr. Peterson was excused from this evening's Session at 9:15 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 27, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 1072.

Sincerely,

Rudy Perpich, Governor

April 27, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1977 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Section Laws Chapter No.	Date Approved 1977	Date Filed 1977
1072		36	April 27	April 27

Sincerely,

Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Purfeerst, Bernhagen, Nichols, Hanson and Wegener introduced—

S. F. No. 1472: A bill for an act relating to agriculture; requiring annual inspection of grain moisture measuring devices; providing for the certification of operators of grain moisture measuring devices; authorizing collection of fees; amending Minnesota Statutes 1976, Chapter 17B, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schaaf, Peterson and Benedict introduced—

S. F. No. 1473: A bill for an act relating to the public safety; requiring the commissioner of public safety to promulgate a blood alcohol content chart; requiring the blood alcohol chart be reproduced on the Minnesota drivers license certificate, affixed to motor vehicles, and displayed in all on-sale and off-sale liquor establishments; amending Minnesota Statutes 1976, Chapters 169, 299A and 340, by adding sections; and Section 171.07, by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Renneke introduced—

S. F. No. 1474: A bill for an act relating to agriculture; allowing sale of foliar fertilizers for noncommercial, research and experimental purposes; amending Minnesota Statutes 1976, Section 17.713, Subdivision 20, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stokowski and Schaaf introduced—

S. F. No. 1475: A bill for an act relating to the city of Columbia Heights fire department relief association; establishment of paid and volunteer divisions and administration of each division; benefits and contributions; membership of certain fire personnel in the public employees' police and fire fund; amending Laws 1975, Chapter 424, Section 9; repealing Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3.

Referred to the Committee on Governmental Operations.

Messrs. Knoll; Keefe, S.; Luther; Humphrey and Ogdahl introduced—

S. F. No. 1476: A bill for an act relating to natural resources; providing for shade tree disease control; providing guidelines for funding; establishing priority areas; providing for neighborhood participation; requiring technical assistance; providing for removal of diseased trees; providing a penalty; amending Minnesota Statutes 1976, Section 18.023, Subdivision 3a, and by adding subdivisions.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther, Willet, Dunn, Peterson and Hanson introduced—

S. F. No. 1477: A bill for an act relating to natural resources; acquisition, development, and maintenance of recreational sites

along designated canoe and boating routes; amending Minnesota Statutes 1976, Section 85.32, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Borden and Schaaf introduced—

S. F. No. 1478: A bill for an act relating to the Administrative Procedures Act; removing the exemptions from the rulemaking provisions for the corrections board and pardon board, the department of employment services, the director of mediation services, the workers compensation division in the department of labor and industry, the workers compensation court of appeals and the board of pardons; amending Minnesota Statutes 1976, Section 15.0411, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Gearty, Coleman, Schaaf and Ashbach introduced—

S. F. No. 1479: A bill for an act relating to the operation of state government; providing for compensation of certain judges of the supreme and district court; amending Laws 1977, Chapter 35, Section 18.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1129: A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Sections 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 2 and 3, strike Section 4

Pages 3 and 4, strike Sections 6 and 7

Page 5, line 15, after the stricken language insert "color or"

Page 5, line 16, strike "division" and insert "bureau"

Pages 5 to 8, strike Section 10

Page 8, after line 25, insert:

"Sec. 10. *This act is effective July 1, 1977.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "procedures used in"

Page 1, line 5, strike "16,"

Page 1, lines 5 and 6, strike "16.07, Subdivision 8, and by adding a subdivision;"

Page 1, lines 7 and 8, strike "16.80, Subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 347: A bill for an act relating to interest; authorizing charges for open end credit sales; amending Minnesota Statutes 1976, Section 334.16, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, strike "Subdivision 1,"

Page 2, after line 12, insert:

"Subd. 1a. [COMPUTATION OF AVERAGE DAILY BALANCE.] If a plan, agreement or arrangement provides that if full payment is made within a certain time a finance charge will not be imposed, and if full payment is not made within that time, then the calculation of the average daily balance for the purpose of the limitation on rates imposed by subdivision 1, clause (b) shall be made by excluding from the daily balances the amount of each sale from the date of the sale until the last day of the regular billing cycle during which the sale was made. The portion of any balance arising from the sale of goods which are returned shall be excluded from the unpaid balance as of the date the goods are returned.

Subd. 2. [DEFINITIONS AND COMPUTATIONS.] The definitions and the provisions on computation of percentage rates in the Truth-In-Lending Act, Title I of the Consumer Credit Protection Act, P.L. 90-321, and in Regulation Z of the Board of Governors of the Federal Reserve System adopted pursuant thereto, 12 CFR 226, as in effect on ~~June 5, 1971~~ April 1, 1977, shall apply to the terms used in sections 334.16 to 334.18, and computations thereunder.

Sec. 2. Minnesota Statutes 1976, Chapter 334, is amended by adding a section to read:

[334.20] [DEFINITIONS.] *The definitions and provisions on computation of percentage rates in the Truth-In-Lending Act, Title I of the Consumer Credit Protection Act, P.L. 90-321, and*

in Regulation Z of the Board of Governors of the Federal Reserve System adopted pursuant thereto, 12 CFR 226, as in effect on April 1, 1977, shall apply to the terms used in sections 2 to 9 of this act.

Sec. 3. Minnesota Statutes 1976, Chapter 334, is amended by adding a section to read:

[334.21] [FINANCE CHARGES FOR OTHER THAN OPEN END CREDIT.] *Subdivision 1. The parties to a consumer credit sale other than a sale pursuant to an open end credit plan may lawfully agree to payment by the consumer of a maximum finance charge which may not exceed one and one-half percent per month on the unpaid balance of the amount financed.*

Subd. 2. For the purposes of this section:

(a) The finance charge may be calculated on the assumption that all scheduled payments will be made when due;

(b) The effect of prepayment is governed by the provisions on rebate upon prepayment under section 5 of this act; and

(c) The term of a consumer credit sale other than one pursuant to an open end credit plan commenced with the date the credit is granted or, if goods are delivered, services performed or proceeds of a loan paid ten days or more after that date, with the date of commencement of delivery or performance, differences in lengths of months are disregarded and a day may be counted as 1/30 of a month.

Subd. 3. Notwithstanding the provisions of subdivisions 1 and 2 of this section, a seller may contract for and receive a minimum finance charge of not more than \$10 with respect to a sale other than one pursuant to an open end credit plan.

Sec. 4. Minnesota Statutes 1976, Chapter 334, is amended by adding a section to read:

[334.22] [PREPAYMENT PENALTIES PROHIBITED.] *Subject to section 5 of this act, a buyer may prepay in full, or in any part, the unpaid balance of a consumer credit sale at any time without penalty.*

Sec. 5. Minnesota Statutes 1976, Chapter 334, is amended by adding a section to read:

[334.23] [REBATE ON PREPAYMENT.] *Subdivision 1. Unless otherwise authorized by statute, and upon prepayment in full of the unpaid balance of a precomputed consumer credit sale, refinancing or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the buyer; provided, however, that the seller may collect or retain a minimum charge of \$10, but in no event more than the finance charge contracted for. If the total of all rebates, refunds and credits to be paid to the buyer is less than \$1, no rebate need be made.*

Subd. 2. The unearned portion of the precomputed finance charge on consumer credit sales shall be at least as great a proportion of the time price differential as the sum of the periodic time balances after the month in which prepayment is made bears to the sum of all the periodic time balances under the schedule of payments in the original contract, which method of calculating rebates is commonly known as the "rule of 78" or "sum of the digits" method. When a rebate computed by this method results in a buyer having been charged an effective rate of interest in excess of that allowable under section 3 of this act, it shall not be a violation of law.

Subd. 3. Unless otherwise authorized by statute, the parties to a consumer credit sale other than one pursuant to an open end credit plan, may agree in writing at any time subsequent to the transaction to a deferral of all or part of any installments and an appropriate deferral charge which may not exceed one percent per month on the amount deferred. If prepayment in full is made on a transaction for which there was a prior agreement for a deferral and a deferral charge, the unearned portion of the finance charge shall be computed without regard to the deferral. The amount of deferral charge accumulated at the date of prepayment shall also be calculated. If the deferral charge accumulated is less than the deferral charge actually paid by the buyer, the difference shall be added to the unearned portion of the finance charge to be rebated to the buyer. If any part of a deferral charge has been accumulated but has not been paid, that part shall be subtracted from the unearned portion of the finance charge to be rebated to the buyer.

Subd. 4. In the absence of an agreement for deferral of any installment, as provided in subdivision 3, and if the contract between the seller and the buyer so provides, the seller may collect, or retain, in the event of prepayment, a delinquency charge with respect to any installment not paid in full within ten days after its due date, as originally scheduled or as deferred by agreement, up to a maximum amount which is five percent of the unpaid amount of the delinquent installments or \$5, whichever is less. A delinquency charge with respect to any single delinquent installment may be collected only once, however long the installment remains in default. A separate delinquency charge, as computed above, may be imposed with respect to each separate installment that is delinquent. A delinquency charge may not be collected on an installment paid in full within ten days after its scheduled or deferred installment due date even though an earlier maturing installment or a delinquency or deferral charge on an earlier installment has not been paid in full. For purposes of this subdivision, and in the absence of specific direction by the buyer to the contrary, a payment is applied first to any installment due and not delinquent at the time in which it is received and then to delinquent installments and charges. A delinquency charge may be collected at the time it accrues or at any time thereafter.

Subd. 5. Unless otherwise authorized by statute, if the maturity of the obligation is accelerated for any reason and judgment is obtained, the buyer is entitled to the same rebate as if payment

in full had been made on the date judgment is entered against the buyer excluding delinquency charges previously collected by the creditor.

Sec. 6. Minnesota Statutes 1976, Chapter 334, is amended by adding a section to read:

[334.24] [ASSIGNEES AND PURCHASERS.] *Any conditional sales contract, personal note or other instrument arising out of or given in connection with a consumer credit sale which reflects or bears a finance charge higher than allowed under sections 2 to 9 of this act, or higher than otherwise authorized by statute, may not be held in good faith by an assignee or purchaser of commercial or negotiable paper, and any assignee who acquires the instrument shall be liable for the penalties provided in section 8 of this act.*

Sec. 7. Minnesota Statutes 1976, Chapter 334, is amended by adding a section to read:

[334.25] [EFFECTIVE DATE AND PRIOR AGREEMENT.] *Sections 2 to 9 of this act are effective January 1, 1978, and anything herein contained shall not affect, invalidate or make unlawful consumer credit sales, transactions and contracts contracted for and entered into prior to January 1, 1978.*

Sec. 8. Minnesota Statutes 1976, Chapter 334, is amended by adding a section to read:

[334.26] [PENALTY.] *Any seller who violates any of the provisions of sections 2 to 7 of this act except as a bona fide error, shall forfeit to the buyer an amount which is equal to three times any finance charge imposed, charged or collected, in connection with a consumer credit sale, with a minimum forfeiture of \$100 plus reasonable attorneys' fees and court costs.*

Sec. 9. Minnesota Statutes 1976, Chapter 334, is amended by adding a section to read:

[334.27] [MOTOR VEHICLE RETAIL INSTALLMENT SALES ACT.] *Sections 2 to 8 of this act shall not apply to sales covered by sections 168.66 to 168.77, known as the motor vehicle retail installment sales act.*

Amend the title as follows:

Page 1, line 2, strike "authorizing" and insert "increasing permissible finance"

Page 1, line 3, after the semicolon insert "providing for maximum finance charges for closed end credit; providing a penalty,"

Page 1, line 4, strike "Subdivision 1" and insert "and Chapter 334, by adding sections"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 441: A bill for an act relating to the city of Minneapolis; benefits and administration of the municipal employees retirement fund; amending Minnesota Statutes 1976, Sections 422A.02; 422A.03, Subdivision 1; 422A.06, Subdivision 6; 422A.08, Subdivision 5; 422A.16, Subdivision 10, and by adding a subdivision; 422A.18, Subdivision 2; and 422A.23, Subdivision 7, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.302] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 8 of this act, the terms defined in this section shall have the meanings ascribed to them.*

Subd. 2. "Enabling act" means sections 355.01 to 355.07.

Subd. 3. The terms "social security act", "state agency", "employment", "wages", "contribution fund", "Federal Insurance Contributions Act", and "political subdivision" mean as defined in the enabling act.

Subd. 4. "Municipal employee" means all officers and employees of political subdivisions who hold positions covered by the Minneapolis municipal employees retirement fund established under the provisions of Chapter 422A.

Sec. 2. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.303] [REFERENDUM.] *Pursuant to the provisions of the enabling act the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, 1979, in accordance with the provisions of section 218 (d) (6) (C) of the social security act, for municipal employees.*

Sec. 3. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.304] [NOTICE OF REFERENDUM.] *The notice of referendum required by section 218 (d) of the social security act which is to be given to the municipal employees shall contain a statement in such form as the agency or individual designated to supervise the referendum shall deem necessary and sufficient to inform the municipal employees of the rights which accrue to them under the social security act. The statement shall also inform the municipal employees of the effect that coverage under the social security act will have on their public retirement program.*

Sec. 4. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.305] [DIVISION OF THE MINNEAPOLIS MUNICIPAL EMPLOYEES RETIREMENT FUND.] *In accordance with*

section 218 (d) (6) (C) of the social security act, the state agency shall divide into two divisions or parts the Minneapolis municipal employees retirement fund established under the provisions of Minnesota Statutes, Chapter 422A. One division or part of the retirement fund shall be composed of positions of municipal employees who desire coverage under an agreement under section 218 (d) of the social security act. The other division or part of the retirement fund shall be composed of positions of municipal employees who do not desire coverage under such an agreement. Each division or part shall be deemed to be a separate retirement system for the purposes of section 218 (d) of the social security act. There shall be included in the division or part composed of members desiring such coverage the positions of municipal employees who become members of the Minneapolis municipal employees retirement fund after such coverage is extended; provided, a municipal employee whose service in a position covered by the retirement fund commences after the date on which such social security coverage is extended shall be deemed to become a member of the retirement fund upon the commencement of such service for purposes of this section, notwithstanding the date of any employment contract.

Sec. 5. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.306] [TRANSFER OF MEMBERS.] *In accordance with section 218 (d) (6) (F) of the social security act, and when the Minneapolis municipal employees retirement fund is divided into two divisions or parts, the position of any member of the division or part composed of positions of municipal employees who do not desire coverage under an agreement under section 218 (d) of the social security act may be transferred to the separate retirement system composed of municipal employees who desire such coverage; and a modification of agreement between the state and the secretary of health, education, and welfare may so provide, but only if prior to such modification the individual occupying such position files with the state agency a written request for such transfer.*

Sec. 6. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.307] [CERTIFICATION BY GOVERNOR.] *If the governor receives satisfactory evidence that the conditions specified in section 218 (d) (7) of the social security act have been met with respect to the Minneapolis municipal employees retirement fund, he shall so certify to the secretary of health, education, and welfare.*

Sec. 7. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.308] [AGREEMENTS WITH FEDERAL AGENCY.] *Upon the governor's certification pursuant to section 6 of this act, the state agency, with the approval of the governor, shall be authorized after June 30, 1979, to enter into an agreement with the secretary of health, education, and welfare, or modify*

any such agreement previously made with respect to municipal employees. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 8. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.309] [CONTRIBUTIONS.] *Subdivision 1. [EMPLOYER CONTRIBUTIONS.] Contributions required under the agreement or modification entered into pursuant to section 7 of this act to be made by political subdivisions employing municipal employees, and payments required by Minnesota Statutes, Section 355.49, which shall apply to political subdivisions employing municipal employees, shall be paid by the applicable political subdivision.*

Subd. 2. [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.] After the date the agreement or modification is entered into pursuant to section 7 of this act, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the state and each political subdivision in respect thereto. Failure to deduct such contribution shall not relieve the employee or the state or the political subdivision of liability therefor.

Sec. 9. Minnesota Statutes 1976, Section 422A.01, is amended by adding a subdivision to read:

Subd. 14. "Service" for purposes of sections 20 to 27 of this act shall mean all service credited by the retirement board, irrespective of whether the employee was covered by the basic program or the coordinated program.

Sec. 10. Minnesota Statutes 1976, Section 422A.01, is amended by adding a subdivision to read:

Subd. 15. "Coordinated service" for purposes of sections 20 to 27 of this act shall mean service credited by the retirement board for which the employee was covered by the coordinated program.

Sec. 11. Minnesota Statutes 1976, Section 422A.01, is amended by adding a subdivision to read:

Subd. 16. "Coordinated employee" for purposes of sections 20 to 27 of this act shall mean any employee of the contributing class who is covered by any agreement or modification made between the state and the secretary of the federal department of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such employees.

Sec. 12. Minnesota Statutes 1976, Section 422A.06, Subdivision 6, is amended to read:

Subd. 6. [SURVIVOR'S BENEFIT FUND.] The survivor's benefit fund shall consist of the amount held for survivor benefits, increased by contributions for survivor benefits made by and for employees, including contributions made by the employer, by any municipal activity supported in whole or in part by revenue other than taxes or by any public corporation, and by income on investments of such fund at the greatest multiple of one-tenth of one percent up to and including a maximum of the interest assumption rate provided for in subdivision 5. A proportionate share of income from investments shall be allocated to this fund. There shall be paid from such fund the survivor benefits specified in section 422A.23 except that the refund of net accumulated deductions from the salary of a contributing member shall upon his death in service be paid from the deposit accumulation fund.

Sec. 13. Minnesota Statutes 1976, Section 422A.08, Subdivision 2, is amended to read:

Subd. 2. Prior to August 31 of each year the retirement board shall prepare an itemized statement of its financial requirements from tax revenue for the succeeding fiscal year. A copy of the statement shall be submitted to the board of estimate and taxation and to the city council prior to September 15 of each year. This statement shall include:

(1) An estimate of the administrative expense of the board less:

(a) Such amount as the board may charge against the interest income account of the fund as cost of handling the investment securities of the fund.

(b) The cost of handling the retirement benefits of any city-owned public utility, improvement project, or other municipal activities supported in whole or in part by revenues other than taxes.

(c) The cost of handling the retirement benefits of any public corporation and its employees who have availed themselves of the provisions of sections 422A.01 to 422A.25.

(2) An estimated amount not to exceed $7\frac{1}{4}$ percent of the salaries and wages of all employees covered by the retirement fund less any amounts contributed for current cost of future retirement benefits by any city-owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than taxes, or any public corporation.

(3) The estimated amount to meet the requirements of section 422A.06, subdivision 3, less any amounts contributed for this purpose by any city-owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than taxes, or any public corporation.

(4) The cost of all monthly survivor's benefits provided in section 422A.23 as an obligation of the city and any of its boards, departments, commission or public corporations as therein pro-

vided, less any amounts contributed for this purpose by any city-owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than taxes, or any public corporation.

(5) Such other levies and financing as are required by law.

(6) The total of items 1, 2, and 3 above shall be increased or decreased as the case may be by any deficiency or excess of the amount of tax revenue actually collected within the preceding fiscal year under or over the amount actually determined to meet the financial requirements of the fund for such year. In no event shall the amount requested for levy exceed the total of entry age normal cost, less the amounts contributed by the employees, plus administrative expense, interest on the actuarial deficit at the rate of five percent per annum, an amount necessary to reduce the principal amount of the actuarial deficit in equal installments by the year ~~1997~~ 2017, plus interest upon any deficiency from the previous year's levy at the rate of four percent per annum. This limit does not apply to the requirements for survivors benefits provided in section 422A.23 nor to any levy which is administered by the retirement board pursuant to special act.

Sec 14. Minnesota Statutes 1976, Section 422A.08, Subdivision 5, is amended to read:

Subd. 5. Any contributor or retired employee who prior to entering the service of the city was an employee of a public corporation, shall be allowed credit in the retirement fund for employment by such public corporation in the same manner as though the service had been rendered to the city. Before receiving credit for service rendered to a public corporation as herein set forth, the contributing or retired employee shall make application therefor in writing to the retirement board, and shall contribute to the retirement fund the amount which would have been contributed had the employee been a contributing member of the fund during the time such service was rendered to the public corporation, plus ~~four~~ six percent compound interest to date of payment or date of retirement, such amount to be determined by the retirement board.

Sec. 15. Minnesota Statutes 1976, Section 422A.09, Subdivision 3, is amended to read:

Subd. 3. The exempt class shall consist of:

(1) Employees who are members of any other organization or association of the city on behalf of which a tax is levied by the city for the purpose of paying retirement allowances to disabled or superannuated employees.

(2) Persons filling elective position. Provided that any elective officer holding an elective city office, excepting judges of a municipal court, shall, upon written application to the retirement board, be entitled to become a member of the contributing class of the fund, and after becoming a contributor to the fund be entitled to all benefits conferred upon employees of the contribut-

ing class except retirement on a service allowance, which shall be granted only upon completion of ten or more years of service.

All retirement allowances shall be computed and determined as provided herein, except that in determining the number of years of service, credit shall be given for time served as an elective officer or employee, or member of an executive board or commission or any combination thereof. Persons who have served in elective positions which qualified them for membership in the fund prior to July 1, 1967, and who immediately thereafter hold elective office, first being appointed to that elective office in Hennepin county in which they served as an elected official, may retain or resume membership in the fund as an elective officer of the county. The county shall collect and pay to the retirement fund the employee contribution. The employer cost of allowances and benefits credited to an elected officer as set forth above shall be paid from the county revenue fund by the proper county officials upon certification of such costs by the retirement board in the same manner as prescribed in section 422A.08 for the payment of costs by public corporations. A tax shall be levied by Hennepin county to defray the cost of such retirement allowances which may be in addition to all other taxes levied by the county. Before receiving a retirement allowance, or any other benefit, any person who claims credit for service under this section shall contribute to the fund an amount equal to the amount of contributions to the fund which such person would have made had he been a contributor to the fund since the date he first became eligible for membership in the fund, in accordance with the method of contribution herein provided for, plus four percent compound interest.

(3) Persons serving without pay.

(4) Persons employed on a temporary basis, as laborers, door-keepers, ticket takers, and attendants at the municipal auditorium, park recreation facilities, or like activities, employed less than 1000 hours, or its equivalent if employed on any other basis than an hourly basis, in any calendar year from January 1 to December 31, inclusive, provided that employees who are contributing members of the fund on July 1, 1959 shall not be affected by the exclusions contained in this section.

(5) A person who is exempted from the contributing class by Minnesota Statutes 1974, Section 422A.09, Subdivision 3, Clauses (4) and (5), but who is employed by and paid, in whole or in part, by the city or any of its boards, departments, or commissions, operated as a department of the city government or independently, if financed in whole or in part by city funds, including any person employed by a public corporation as herein defined, and including any person employed by the Minneapolis school district, each of whom are not a member of any other retirement system, who later becomes a contributing member of the fund may elect to qualify such time for credit by paying into the fund an amount equal to the amount of contributions to the fund which such person would have made had he been a

contributor to the fund since the date he first qualified as an exempt member of the contributing class, in accordance with the method of contribution herein provided, plus four percent compound interest.

(6) Any person who is employed by the city or any of its boards, departments, commissions or a public corporation, as herein outlined, and is excluded from participation in the fund by paragraph (4) shall be separated from the service upon reaching the age of 65 regardless of the provisions of the veterans preference act.

Sec. 16. Minnesota Statutes 1976, Section 422A.16, is amended by adding a subdivision to read:

Subd. 3a. If a contributing member who has become permanently separated from the service of the city after 20 or more years of service as a contributing member, has at the time of separation allowed his or her contributions to the fund to remain on deposit, and has filed a written request with the board on prescribed forms, dies prior to the effective date of retirement as determined by the board, the board shall pay a monthly allowance for life to the surviving spouse of the employee, in lieu of the city credit referred to in section 422A.23. The monthly allowance herein provided for shall be the actuarial equivalent of a single life service allowance specified in section 422A.15, which would have been payable to the employee on the date of death, notwithstanding the age requirement stated therein. For purposes of this subdivision, the amount of excess contributions by the member shall not be included in determining the monthly allowance.

Sec. 17. Minnesota Statutes 1976, Section 422A.18, Subdivision 2, is amended to read:

Subd. 2. The amount of disability allowance under this section shall be the amount of service allowance to which the employee would be entitled under section 422A.15, notwithstanding the age requirements expressed therein; or the lesser of the following amounts: 50 percent of the final average compensation, or an amount equal to two percent of final average compensation for each year of allowable service for the first ten years, and thereafter 2.5 percent of final average compensation per year of allowable service, including in the latter assumed service between the date the disability occurred and the 60th birthday of the employee.

If, at the end of any fiscal year, interest is allocated to the disability benefit fund, at a rate greater than the rate specified in section 422A.06, subdivision 5, clause (a), the amount of any benefits payable from such fund that were in effect at the end of the previous fiscal year, shall be increased by the difference between the two rates of interest. If the amount of annuity payable from the Minnesota adjustable fixed benefit fund to any class of annuitants is adjusted pursuant to section 11.25, subdivision 12, the amount of benefits payable from the disability benefit fund for that class of annuitants shall also be adjusted at the same time and rate.

Sec. 18. Minnesota Statutes 1976, Section 422A.23, Subdivision 7, is amended to read:

Subd. 7. If the contributing member dies after having been in the service of the city 20 or more years, and before the effective date of retirement, as determined by the retirement board, such board shall pay a monthly allowance for life to the designated beneficiary of such employee ; providing such employee prior to the date of his death filed a written request therein with the board on forms provided by such board . The monthly allowance herein provided for shall be the actuarial equivalent of a single life service allowance specified in section 422A.15, which would have been payable to the employee on the date of his death, notwithstanding the age requirement stated therein. For purposes of this section, the amount of excess contributions by the member shall not be included in the calculations in determining the monthly allowance. Persons receiving survivor benefits pursuant to the provisions of this subdivision on the effective date of this act, shall receive an increase of 35 percent of the monthly benefits they are then receiving.

Sec. 19. Minnesota Statutes 1976, Section 422A.23, is amended by adding a subdivision to read:

Subd. 10. If the amount of annuity payable from the Minnesota adjustable fixed benefit fund to any class of annuitants is adjusted pursuant to section 11.25, subdivision 12, the amount of benefits payable from the survivor's benefit fund pursuant to subdivisions 7 or 8 for that class of annuitants shall also be adjusted at the same time and rate.

Sec. 20. Minnesota Statutes 1976, Chapter 422A, is amended by adding a section to read:

[422A.30] [MINNEAPOLIS MUNICIPAL EMPLOYEES RETIREMENT FUND COORDINATED PROGRAM.] *There shall be established effective July 1, 1979, a coordinated retirement program within the Minneapolis municipal employees retirement fund for employees of the contributing class who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such employees.*

Sec. 21. Minnesota Statutes 1976, Chapter 422A, is amended by adding a section to read:

[422A.31] [COORDINATED PROGRAM CONTRIBUTIONS.] *Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] The employee contribution for a coordinated employee shall be an amount equal to four percent of total salary. These contributions shall be made by deduction from salary in the manner provided in section 422A.12, subdivision 1. Where any portion of a member's salary is paid from other than public funds, such member's employee contributions shall be based on the total salary received from all sources.*

Subd. 2. [EMPLOYER CONTRIBUTION.] The employer contribution shall be an amount equal to the employee contribution under subdivision 1. The contribution shall be made from funds available to the employer from the collection of taxes or other revenue.

Subd. 3. [EMPLOYER ADDITIONAL CONTRIBUTION.] An additional employer contribution shall be made in an amount equal to one and one-half percent of the total salary of each coordinated employer. The contribution shall be made from funds available to the employer from the collection of taxes or other revenue.

Subd. 4. [EMPLOYER FINANCING.] The estimated amount of the employer contributions required under subdivisions 2 and 3 shall be added to the itemized statement of the financial requirements of the retirement fund prepared pursuant to section 422A.08, subdivision 2.

Sec. 22. Minnesota Statutes 1976, Chapter 422A, is amended by adding a section to read:

[422A.32] [COORDINATED RETIREMENT ANNUITY.]
Subdivision 1. [UNREDUCED RETIREMENT ANNUITY.] Upon separation from service, any coordinated employee who has attained the age of at least 65 years and who has received credit for not less than ten years of service is entitled upon application to a retirement annuity, which shall be known as the normal coordinated retirement annuity. Upon separation from service, any coordinated employee who has attained the age of at least 62 years and who has received credit for not less than 30 years of service is entitled upon application to a retirement annuity equal to the normal coordinated retirement annuity without any reduction in annuity by reason of early retirement.

Subd. 2. [REDUCED RETIREMENT ANNUITY.] Upon separation from service, any coordinated employee who has attained the age of at least 55 years and who has received credit for not less than 10 years of service, or who has received credit for not less than 30 years of service regardless of age, is entitled upon application to a retirement annuity in an amount equal to the normal coordinated retirement annuity reduced by one-half of one percent for each month that a coordinated employee is under age 65 to and including age 60 and reduced by one fourth of one percent for each month under age 60 at the time of retirement; provided however that for any coordinated employee who has received credit for 30 or more years of service who applies for a retirement annuity, such reduction shall be applied for each month that the coordinated employee is under age 62 at the time of retirement.

Subd. 3. [AVERAGE SALARY.] Average salary for purposes of calculating the normal coordinated retirement annuity pursuant to subdivision 4 shall mean the arithmetic average annual salary, wages or compensation upon which contributions have been made for any five calendar years out of the last ten calendar years of

service, which may include the year in which the coordinated employee retires, as selected by the coordinated employee.

Subd. 4. [COORDINATED RETIREMENT ANNUITY FORMULA.] The average salary multiplied by one percent for each year of coordinated service for the first ten years and thereafter by 1.5 percent per year of coordinated service and completed months less than a full year shall determine the amount of the normal coordinated retirement annuity.

Subd. 5. [RETIREMENT BEFORE ELIGIBILITY FOR SOCIAL SECURITY BENEFITS.] Any coordinated employee who retires before becoming eligible for social security benefits may elect to receive a retirement annuity from the fund in an amount greater than the annuity computed on the basis of age at retirement provided in subdivision 4. This option shall be exercised by making application to the board of trustees. This greater amount shall be the actuarial equivalent of the normal coordinated retirement annuity computed on the basis of age at retirement. This greater amount shall be paid until the annuitant reaches the age of 62, at which time the payment from the association shall be reduced. The method of computing an annuity under this subdivision shall be determined by an approved actuary.

Sec. 23. Minnesota Statutes 1976, Chapter 422A, is amended by adding a section to read:

[422A.33] [REFUNDS AFTER DEATH OF ACTIVE OR FORMER EMPLOYEE.] **Subdivision 1. [SURVIVOR BENEFITS.]** Except as provided in subdivisions 2, 3, 4 and 5, and section 25, subdivision 3 of this act, there shall be no survivor benefits payable to the surviving spouse or dependent child or children of any deceased coordinated employee from the fund.

Subd. 2. [DEATH BEFORE RETIREMENT; REFUND.] If a coordinated employee or former coordinated employee dies prior to retirement or prior to receipt of any retirement annuity or other payment which is or may be payable, a refund shall be paid to his designated beneficiary, or if there is none, to his surviving spouse, or, if none, to the legal representative of his estate. The refund shall be in an amount equal to the coordinated employees' accumulated contributions plus interest as provided in section 422A.12, less the sum of any benefits that may have been paid by the fund.

Subd. 3. [SURVIVOR SPOUSE OPTIONAL ANNUITY.] If a coordinated employee who has attained the age of at least 55 years and has credit for not less than 20 years of service dies before service has terminated, or if a coordinated employee who has filed a valid application for an annuity or disability benefit prior to termination of public service dies before the annuity or benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, in lieu of a refund with interest provided in subdivision 2, an annuity equal to an option III annuity pursuant to section 422A.17 which the member could have qualified for on the date of death

computed pursuant to section 22 of this act. The annuity shall cease with the last payment received by the surviving spouse in his or her lifetime. An amount equal to the excess, if any, of the accumulated contributions which were credited to the account of the deceased coordinated employee over and above the total of the annuities paid or payable to the surviving spouse shall be paid to the deceased coordinated employee's last designated beneficiary or, if none, to the legal representative of the estate of the deceased employee. Any coordinated employee may request in writing that this subdivision not apply and that payment be made only to the designated beneficiary as otherwise provided in this chapter.

Subd. 4. [DEATH AFTER RETIREMENT; REFUND.] If a former coordinated employee dies after retirement and no payment of any kind is or may become payable to any person, including any deferred benefit or annuity, there shall be paid to the same succession of payees set forth in subdivision 2, a refund of his accumulated deductions, less the total payments of all kinds made by the fund to the former coordinated employee during his lifetime or to any authorized person after his death, without interest.

Subd. 5. [OPTIONAL SURVIVOR ANNUITY CASES; DESIGNATED BENEFICIARY.] If a former coordinated employee selected an optional annuity by the terms of which an optional survivor's annuity was paid to a survivor after his death, upon the death of the survivor there shall be paid to the former coordinated employee's designated beneficiary a refund of his accumulated deductions less the total payments of all kinds made by the fund to the former coordinated employee during his lifetime or to any authorized person after his death. If said beneficiary should die before making application for such refund, the same shall be paid to the legal representative of the estate of the former coordinated employee.

Sec. 24. Minnesota Statutes 1976, Chapter 422A, is amended by adding a section to read:

[422A.34] [TOTAL AND PERMANENT DISABILITY BENEFITS.] **Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.]** Any coordinated employee who becomes totally and permanently disabled with ten years of service before age 50 or with five years of service after age 50, but before age 65, shall be entitled to a disability benefit in an amount provided in subdivision 3. If such disabled coordinated employee's service has terminated at any time, at least five years of service are required to have been rendered since last becoming an employee of the contributing class. A coordinated employee whose average salary is less than \$75 per month shall not be entitled to a disability benefit.

Subd. 2. [APPLICATIONS AND DETERMINATION OF DISABILITY.] The application for disability benefits by a coordinated employee under this section shall be made in accordance with the provisions of section 422A.14. The determination of disability shall be made pursuant to section 422A.18.

Subd. 3. [COMPUTATION OF BENEFITS.] A coordinated employee's total and permanent disability benefit shall be an amount equal to the normal retirement annuity payable to the coordinated employee pursuant to section 22 of this act based on service credited to the date of disability notwithstanding the age and service requirements specified in that section.

Sec. 25. Minnesota Statutes 1976, Chapter 422A, is amended by adding a section to read:

[422A.35] [COMPUTATION OF BENEFITS WITH PARTIAL SERVICE AS COORDINATED EMPLOYEE.] *Subdivision 1. [RETIREMENT BENEFITS.] Any coordinated employee who has credited service prior to July 1, 1979 shall be entitled to receive a retirement allowance when otherwise qualified, the calculation of which shall utilize the formula specified in section 422A.15 for that portion of credited service which was served prior to July 1, 1979 and the formula specified in section 22 of this act for the remainder of credited service, both applied to the average salary as specified in section 22, subdivision 3, of this act. The formula percentages to be used in calculating the coordinated portion of a retirement allowance on coordinated service under this section shall recognize the coordinated service as a continuation of any service prior to July 1, 1979.*

Subd. 2. [DISABILITY BENEFITS.] Any coordinated employee who has service prior to July 1, 1979, and who has or would otherwise have sufficient credited service prior to January 1, 1984, to meet the minimum service requirements for a disability benefit under section 422A.18 shall retain eligibility to apply when otherwise qualified for that disability benefit in lieu of the disability benefit provided by section 24 of this act until July 1, 1983, notwithstanding coverage by the coordinated program.

Subd. 3. [SURVIVOR BENEFITS.] The surviving spouse, or if there is no surviving spouse, the guardian of any surviving children of any coordinated employee who had credited service prior to July 1, 1979 and who has or would otherwise have sufficient credited service prior to December 31, 1980, to meet the minimum service requirements for survivor benefits under section 422A.23 shall retain eligibility to apply when otherwise qualified for those survivor benefits in lieu of the survivor benefits provided by section 23 of this act until January 1, 1981, notwithstanding coverage by the coordinated program.

Sec. 26. Minnesota Statutes 1976, Chapter 422A, is amended by adding a section to read:

[422A.39] [ADMINISTRATION OF COORDINATED PROGRAM.] *Subdivision 1. [ADMINISTRATIVE PROVISIONS.] The provisions of section 422A.01 to 422A.25 relating to the administration of the fund shall govern the administration of the coordinated program in all instances where not inconsistent with the provisions of sections 20 to 27 of this act, including but not limited to, provisions relating to deferred annuities and refunds*

of employee contributions to members upon termination of active service. The employee contributions, employer contributions and other amounts authorized by law attributable to the coordinated program including all employee and employer contributions of members transferred to the coordinated program shall be deposited in the deposit accumulation fund, and no portion shall be deposited in the survivor benefit fund or disability benefit fund.

Subd. 2. [ACTUARIAL VALUATIONS.] Whenever the Minneapolis municipal employees retirement fund shall make an actuarial valuation after July 1, 1979 as required by section 356.215, it shall include a finding of the condition of the fund showing separately the basic and coordinated programs and indicating the level normal cost, accrued liability, assets, unfunded accrued liability, contribution required to meet the interest at the assumed rate on the unfunded accrued liability, and the contribution required to amortize the unfunded accrued liability by the date specified in section 356.215, subdivision 4, clause (7), and by the year 2017 for each program.

Sec. 27. [EFFECTIVE DATE.] This act is effective July 1, 1977."

Further, amend the title as follows:

Page 1, line 2, strike "benefits and" and insert "miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7; 422A.23, by adding a subdivision; Chapter 355, by adding sections; and Chapter 422A, by adding sections."

Page 1, strike lines 3 through 9

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1065: A bill for an act relating to public employees retirement association; authorizing the acquisition of real estate and the construction of a building thereon; authorizing a lease with the state and specifying minimum rents; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 26, after "state" insert "no later than June 30, 1978,"

Page 2, line 28, strike "the executive secretary of"

Page 2, line 30, after "equal to" insert "the greater of (1) the mean average annual rate of return earned by moneys invested by the board of investment on behalf of the public employees retirement association over the five years ending June 30, 1976, or (2)"

Page 3, line 9, strike "city"

Page 3, line 10, strike "of St. Paul" and insert "metropolitan area"

Page 3, strike line 20 and insert ", at the end of which time the state may purchase the building for a nominal charge of one dollar or negotiate a new lease for a term not to exceed 50 years"

Page 3, line 21, strike "commissioner"

Page 3, line 28, strike "The lease may allow the"

Page 3, strike line 29 and insert "The state may purchase the building at any time during a lease period"

Page 4, line 2, strike "executive"

Page 4, line 3, strike "secretary of the"

Page 4, line 3, strike "determined" and insert "determines"

Page 4, line 5, after "than" insert "the greater of (1) the mean average annual rate of return earned by moneys invested by the board of investment on behalf of the public employees retirement association over the five years ending June 30 of the year preceding the July 1 modification date, or (2)"

Page 4, line 24, strike "city of St." and insert "metropolitan area"

Page 4, line 25, strike "Paul"

Page 5, line 13, strike "invested in the building" and insert "used"

Page 5, line 14, after "association" insert "for all costs to be incurred in connection with the acquisition of real estate and the design and construction of the building and related facilities as provided for in this act"

Page 5, line 14, after the period insert:

"A building to be constructed pursuant to this act may not be located in the area bounded by Aurora Avenue, Cedar Street, 12th Street, and John Ireland Boulevard."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

H. F. No. 439: A bill for an act relating to agriculture; regulating the use of the name "Minnesota Farmstead Cheese"; amending Minnesota Statutes 1976, Section 28A.08.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

H. F. No. 107: A bill for an act relating to state property; authorizing the conveyance of certain state property in Sherburne county to the city of St. Cloud, Minnesota.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

H. F. No. 140: A bill for an act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 12; and 102.28, Subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, after "who" insert ", except as herein provided"

Page 2, line 21, strike "over" and insert "at least ten of"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

H. F. No. 105: A bill for an act relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 1095: A bill for an act relating to the organization of state government; creating a fire service education and research advisory council in the department of public safety; superseding an executive order agency.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, strike "EDUCATION AND RESEARCH" and insert "PREVENTION AND CONTROL"

Page 1, line 10, strike "education and research" and insert "prevention and control"

Page 1, line 17, strike "education and research" and insert "prevention and control. Up to six employees of state agencies interested in this subject area may be appointed by the commissioner to serve as ex-officio, non-voting members"

Page 1, line 21, strike "on matters relating to fire"

Page 1, strike line 22

Page 2, line 1, strike "commissioner, the council shall advise" and insert "and"

Page 2, line 3, strike "service" and insert "protection"

Page 2, line 3, after the comma insert "fire prevention and control,"

Page 2, line 5, after "service" insert "and the general public"

Page 2, lines 6 and 7, strike ", upon request of the commissioner,"

Page 2, line 9, after the period insert "The council shall serve as liaison between the state and the national fire prevention and control administration."

Page 2, after line 20, insert:

"Sec. 3. There is appropriated from the general fund to the commissioner of public safety for purposes of this act the sum of \$25,000 for the year beginning July 1, 1977, and \$25,000 for the year beginning July 1, 1978."

Renumber the remaining section

Amend the title as follows:

Line 3, strike "education and research" and insert "prevention and control"

Line 5, after "agency" insert "; appropriating money"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which was referred

H. F. No. 1510 for comparison to companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS CONSENT CALENDAR CALENDAR

H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1510	1452				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1510 be amended as follows:

Delete page 2, line 4 to page 25, line 6 and insert

"Sec. 2. DEPARTMENT OF EDUCATION

Approved Complement—475.6

Subdivision 1. General Academic and Related Services 1,563,570 1,580,197

(a) Salaries, Supplies, and Expenses

1978	1979
\$1,463,570	\$1,480,197

(b) Microfilming of teacher certification files

\$100,000	\$100,000
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Any unexpended balance remaining in (b) in the first year shall not cancel, but shall be available for the second year of the biennium.

Of the amount provided by this subdivision, \$15,676 in 1978 and \$15,739 in 1979 is appropriated from the trunk highway fund.

Subd. 2. Vocational Technical Instruction and Related Services 667,522 649,545

(a) Salaries, Supplies, and Expenses

\$647,522	\$649,545
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(b) Revolving fund for on-the-job training program

\$20,000

For the purpose of acting as the state approving agency, as authorized by 38 U.S.C. Chapter 36. All funds received from the federal government for this purpose shall be deposited in the fund and are hereby reappropriated for that purpose.

Subd. 3. Special and Compensatory Instruction and Related Services 4,856,147 4,825,102

(a) Salaries, Supplies and Expenses

\$4,356,147	\$4,325,102
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Of the amount provided, \$97,540 in 1978 and \$20,720 in 1979 is for repairs and equipment for Faribault Deaf and Braille Schools and the Regional Library for the Blind. Any unexpended balance remaining for this purpose in the first year shall not cancel, but shall be available for the second year of the biennium.

**(b) Claims, Grants, and Shared Revenue
Indian Scholarships**

\$500,000 \$500,000

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 4. Education Planning and Development

Salaries, Supplies, and Expenses 556,855 558,527

Subd. 5. School Management and Services

..... 6,235,913 4,949,104

(a) Salaries, Supplies, and Expenses

\$1,685,913 \$1,359,175

\$331,926 in 1978 and \$9,125 in 1979 is for conversion of the Department's Management Information System. Any unexpended balance remaining for this purpose in the first year shall not cancel but shall be available for the second year of the biennium.

(b) Claims, Grants, and Shared Revenue

\$4,550,000 \$3,589,929

\$175,000 in 1978 is for Uniform Financing Accounting Reporting System (UFARS) regional staff.

\$1,683,000 in 1978 and \$729,000 in 1979 is for support of regional management information centers.

\$2,692,000 in 1978 and \$2,860,929 in 1979 is for salaries and expenses of the Minnesota education computing consortium.

The department shall charge MECC users for on-line computer time actually used, such receipts shall be deposited in the Minnesota educational computing consortium account, and are reappropriated to the Minnesota educational computing consortium.

The department of education in consultation with MECC shall submit to the chairman of house appropriations and the chairman of senate finance no later than July 15 and December 31 of each

year a progress report, proposed plans, and expenditures.

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 6. Auxiliary and General Support Services

Salaries, Supplies, and Expenses	1,644,350	1,681,354
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Subd. 7. Public Library Services and Inter-Library Cooperation	2,397,518	2,466,509
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(a) Salaries, Supplies, and Expenses

\$357,775	\$357,152
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(b) Claims, Grants, and Shared Revenue

\$2,039,743	\$2,109,357
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Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

To qualify for the state library grant herein authorized, local levies for libraries shall not be less than the library levies in effect January 1, 1977.

This appropriation is limited to operating purposes only.

Sec. 3. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. Salaries and Expenses . . .	837,487	846,441
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This appropriation includes money for the administration of the state scholarship, state grant-in-aid, student loan, budget review program review, and private college contracts.

Subd. 2. MOIS Revolving Fund	50,000
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There is established in the state treasury a Minnesota occupational information system revolving fund. The board shall charge MOIS users for services provided them. Receipts shall be deposited in the MOIS revolving fund, and are appropriated to the board for the purposes of the Minnesota occupational information system.

Subd. 3. State Scholarship Program	7,589,033	9,163,951
Subd. 4. State Grant-In-Aid Program.	12,604,969	15,665,971
Subd. 5. Work Study Program	1,250,000	1,250,000
Subd. 6. Foreign Student Loans	80,000	80,000
Subd. 7. Minitex Library Program	400,000	425,000
Subd. 8. Private College Contracts	4,194,950	4,562,450
Subd. 9. Regional Coordination and Service	189,071	197,148
Subd. 10. Any unexpended balance remaining the first year in subdivisions 1, 3, 4, 5, 7, 8, and 9 shall not cancel but shall be available for the second year of the biennium.		
Subd. 11. Medical Student Loan Reserve	30,000	30,000
Subd. 12. Education of Dependents	10,000	10,000

Sec. 4. STATE UNIVERSITY BOARD

Subdivision 1. Maintenance and Equipment	61,258,374	60,971,544
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The amounts appropriated in subdivisions 1 and 2 include a sum in each year for recruitment of unclassified staff.

Subd. 2. State University Board Contingent	750,000	
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Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30.

Subd. 3. Student Loans—State Matching	175,000	175,000
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This appropriation shall be used as the state's matching share for any federal student aid or loan program.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium. No portion of the appropria-

tion shall be used to defray obligations incurred prior to July 1, 1977.

Subd. 4. Repairs and Betterments . . . 808,868 864,666

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the bi-enium.

Subd. 5. The board shall submit a report to the 71st session of the legislature as to the use of all money exempt from budgetary control by the commissioner of finance pursuant to Minnesota Statutes, Sections 136.11, Subdivision 5; 136.144; and 136.37.

Subd. 6. Notwithstanding the provisions of any law to the contrary, the state university board may provide for the orderly replacement of aircraft. An equipment suspense account shall be established by the commissioner of finance within the general fund. All receipts that are attributable to the operation or use of aircraft are reappropriated to the state university board. These receipts, or a portion thereof as may be designated by the board, shall be credited to the equipment suspense account. Any balance in this account shall not cancel at the end of a fiscal year but shall remain available for transfer at the request of the board to its maintenance and equipment account.

Sec. 5. STATE COMMUNITY COLLEGE BOARD

Subdivision 1. 27,688,878 27,657,367

This appropriation is for maintenance and equipment of the state community college board and the state community colleges. The state community colleges are encouraged to use off-campus courses to extend the benefits of this appropriation to as many Minnesota residents as possible.

Subd. 2. Occupational Program Development 300,000

Prior to use of this appropriation the chancellor of the community college system shall submit the proposed program and expenditures for review by the chair-

men of the house appropriations and senate finance committees.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 3. St. Paul Learning Center	50,000	50,000
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Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

The board shall report to the committee on finance of the senate and the committee on appropriations of the house of representatives by March 1, 1978 for the first year and January 1, 1979 for the second year on the use of the money in this appropriation.

Subd. 4. Student Loan Program—

State Matching	85,000	90,000
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This appropriation shall be used as the state's matching share for any federal student aid or loan programs.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 5. State Community College Board Contingent	300,000	
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Any unexpended balances remaining in the first year shall not cancel but shall be available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission, as provided by Minnesota Statutes, Section 3.30.

Subd. 6. Repairs and Betterments	363,431	374,760
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Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 7. Special Assessments	235,215	
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Sec. 6. UNIVERSITY OF MINNESOTA

Subdivision 1. Operations and Maintenance	149,621,674	154,803,574
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These appropriations are made from:

(a) Income derived from investment of the permanent university fund, which is appropriated to the university as provided in Minnesota Statutes, Section 137.022. It is estimated that this income will not exceed \$2,500,000 for the first year and \$2,500,000 for the second year; and

(b) The general fund. It is estimated that the amount required from the general fund will be at least \$147,121,674 for the first year and \$152,303,574 for the second year.

On October 1, 1978 and 1979 the president of the university of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance the following information:

(1) The total amount of receipts during the fiscal year 1978 from all sources in excess of \$68,873,103 and during the fiscal year 1979 from all sources in excess of \$72,718,695;

(2) The sources of these receipts; and

(3) The purposes for which any excess receipts were expended and accounts to which transferred.

The board of regents shall certify to the commissioner of finance at the end of each quarter the amount of earnings derived from the investment of the permanent university fund.

If this income during any fiscal year exceeds the amounts stated in (a) above, the amount payable from the general fund shall be reduced accordingly.

In preparing the university's legislative budget request for the 1979-1981 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.

Subd. 2. Equipment Replacement ..	500,000	500,000
Subd. 3. Student Loans—State Matching	250,000	250,000

This appropriation shall be used as the state's matching share for any federal student aid or loan program. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 4. Library Supplement	1,186,300	1,477,600
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Subd. 5. Intercollegiate Athletics	594,400	660,200
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This appropriation shall be used only for the support of a women's intercollegiate athletic program.

Subd. 6. Summer School Tuition and Continuing Education Supplement	772,521	772,521
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The board of regents shall expend this money to equalize tuition rates among undergraduate students for regular session, summer session and extension programs in order to facilitate to the maximum the use of campus units, buildings and staff.

Subd. 7. Graduate Residency Program	2,967,128	2,967,128
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All hospitals receiving any portion of this appropriation shall furnish the house appropriations and senate finance committees with a full report no later than March 1, 1978, of all actual and reasonable costs resulting from graduate family practice residency education, and all fees and income to the hospital generated by the graduate residents in family practice and the purposes for which this money was expended. Expenditures from this appropriation shall be made only for activities directly related to the training of doctors in family practice.

Subd. 8. Medical Services and Instruction	1,126,802	1,126,802
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This appropriation includes money for the rural health physicians' associate program, drug abuse information and education, and allied health-nurse-clinician generalist program.

Subd. 9. Health Sciences Contingent	3,563,126	
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Portions of all of the above appropriation shall become available upon submission of required documentation that federal

health sciences capitation funds have been reduced or phased out. All requests shall be reviewed by the chairman of the house appropriations and senate finance committees whose recommendations shall be advisory only. Failure to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 10. Duluth Campus

(a) Basic Sciences Program for Medical Training	1,681,166	1,895,433
(b) Dental Hygiene Program	199,156	199,156
(c) Graduate School of Social Work ...	378,594	378,594

Subd. 11. Special—Academic, Civil Service Salary and Fringe adjustments ..	2,050,893	2,765,534
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Sec. 7. UNIVERSITY OF MINNESOTA; RESEARCH

Subdivision 1. General Research	1,443,840	1,503,040
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This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, training for careers in fire prevention and protection, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.

Subd. 2. General Agricultural Research	6,027,964	6,027,964
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This appropriation includes money for research on aquatic plants (including wild rice), soybeans, avian disease, corn improvement and irrigation.

Subd. 3. Hormel Institute—Austin ...	110,000	110,000
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To support the operation of the institute and to promote research by the institute.

Subd. 4. Medical Research	1,203,524	1,233,524
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Subd. 5. Veterinary Diagnostic Laboratory and Teaching Hospital	636,203	636,203
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Subd. 6. Geological Survey	427,514	427,514
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Subd. 7. Lake Superior Basin Studies. The university shall submit a progress report to the 1979 legislature.	56,136	56,136
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Subd. 8. Freshwater Biological Research Institute	154,209	154,209
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Sec. 8. UNIVERSITY OF MINNESOTA; COMMUNITY SERVICES

Subdivision 1. Agricultural Extension Service	5,450,000	5,450,000
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This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted by the university to personnel paid from this appropriation shall not result in a reduction of the county portion of the salary payments.

This appropriation includes money each year for the potato and sugar beet extension program in the Red River Valley, contingent on an equal amount being provided by the state of North Dakota.

Subd. 2. For State's Share of Expenses of County Indigent Patients	2,110,000	2,110,000
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Subd. 3. Special Hospitals, Community Service, and Educational Offset	5,205,846	5,205,846
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Fees for service furnished to counties and individuals under this program shall be sought to augment the money appropriated; the fees are appropriated to the university hospitals.

Subd. 4. Industrial Relations Education Program	343,698	343,698
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This appropriation includes money for short courses, programs, and seminars for labor and management.

Sec. 9. MAYO MEDICAL SCHOOL ..	1,184,000	1,208,000
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The state of Minnesota shall pay a capitation of \$8,000 for each student who is a resident of Minnesota for a maximum of 40 such students in each class.

Sec. 10. WORKERS' COMPENSATION

For 1977—\$108,971

To be transferred by the commissioner of finance to the department of labor and industry compensation revolving fund, in payment of obligations incurred by the following agencies in the amounts as indicated:

Community College Board	10,716
State University Board	98,255

Sec. 11. UNEMPLOYMENT COMPENSATION

For 1977—\$350,306

To the commissioner of finance for transfer to the unemployment compensation fund in reimbursement for unemployment compensation benefits paid to former employees of the following agencies in the amounts as indicated:

Community College System	63,007
State University Board	285,955
Higher Education Coordinating Board	1,344"

Further, amend the title as follows:

Line 8, delete the semicolon and insert a period

Delete lines 9 to 14

And when so amended, H. F. No. 1510 will be identical to S. F. No. 1452 and further recommends that H. F. No. 1510 be given its second reading and substituted for S. F. No. 1452 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1129, 347, 441 and 1065 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. 1510 was read the second time.

H. F. Nos. 439, 107, 140 and 105 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 664: A bill for an act relating to state government; changing the duties of the legislative commission on Minnesota resources; eliminating certain conservation work projects and land acquisition programs; amending Minnesota Statutes 1976, Sec-

tions 86.06; 86.08, Subdivision 2; 86.10, Subdivision 1; and 86.53; repealing Minnesota Statutes 1976, Sections 86.07, Subdivision 2; 86.11, Subdivisions 1, 2, 4, 7, 8 and 9; 86.31; 86.32; 86.33; 86.34; 86.35; 86.41; 86.42; and 86.51.

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 39 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lessard	Penny	Staples
Benedict	Hanson	Lewis	Peterson	Strand
Chmielewski	Hughes	Menning	Purfeerst	Stumpf
Coleman	Humphrey	Merriam	Schaaf	Tennessen
Davies	Johnson	Milton	Schmitz	Vega
Dieterich	Kleinbaum	Nelson	Setzepfandt	Wegener
Engler	Knoll	Nichols	Sikorski	Willet
Gearty	Laufenburger	Ogdahl	Spear	

So the bill passed and its title was agreed to.

S. F. No. 233: A bill for an act relating to education; requiring the accreditation of Montessori schools; providing for the approval of accrediting authorities by the commissioner of education.

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 37 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Nichols	Stumpf
Benedict	Gunderson	Lessard	Ogdahl	Tennessen
Borden	Hanson	Lewis	Peterson	Vega
Chmielewski	Hughes	Luther	Purfeerst	Wegener
Coleman	Humphrey	McCutcheon	Schaaf	Willet
Davies	Johnson	Menning	Schmitz	
Dieterich	Kleinbaum	Merriam	Spear	
Engler	Knoll	Nelson	Staples	

Messrs. Milton, Penny, Setzepfandt and Strand voted in the negative.

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S. F. No. 288: A bill for act relating to state parks; providing for cooperative agricultural leases of property acquired by the state within state parks; amending Minnesota Statutes 1976, Chapter 85, 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 42 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Lewis	Penny	Strand
Benedict	Hughes	Luther	Peterson	Stumpf
Borden	Humphrey	McCutcheon	Purfeerst	Tennessee
Chmielewski	Johnson	Menning	Schaaf	Vega
Davies	Keefe, S.	Merriam	Schmitz	Wegener
Dieterich	Kleinbaum	Moe	Setzepfandt	Willet
Engler	Knoll	Nelson	Sikorski	
Gearty	Laufenburger	Nichols	Spear	
Gunderson	Lessard	Ogdahl	Staples	

So the bill passed and its title was agreed to.

H. F. No. 61: A bill for act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician's trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil liability for paramedics and physicians advising or instructing paramedics.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lessard	Ogdahl	Spear
Ashbach	Hanson	Lewis	Penny	Staples
Benedict	Hughes	Luther	Peterson	Stokowski
Borden	Humphrey	McCutcheon	Purfeerst	Strand
Chmielewski	Johnson	Menning	Schaaf	Stumpf
Davies	Keefe, S.	Merriam	Schmitz	Tennessee
Dieterich	Kleinbaum	Moe	Setzepfandt	Vega
Engler	Knoll	Nelson	Sikorski	Wegener
Gearty	Laufenburger	Nichols	Solon	Willet

So the bill passed and its title was agreed to.

H. F. No. 809: A bill for an act relating to Lac qui Parle and Big Stone counties; changing the boundary lines between the counties; amending Laws 1937, Chapter 423, Section 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Hanson	Kleinbaum	Luther
Ashbach	Dieterich	Hughes	Knoll	McCutcheon
Benedict	Engler	Humphrey	Laufenburger	Menning
Borden	Gearty	Johnson	Lessard	Merriam
Chmielewski	Gunderson	Keefe, S.	Lewis	Moe

Nelson	Penny	Schmitz	Spear	Stumpf
Nichols	Peterson	Setzepfandt	Staples	Vega
Ogdahl	Purfeerst	Sikorski	Stokowski	Wegener
Olson	Schaaf	Solon	Strand	Willet

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Borden moved to take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 964, 1023 and 1127, which the committee recommends to pass.

S. F. No. 975 which the committee recommends to pass after the following motions:

The question was taken on the recommendation to pass S. F. No. 975.

The roll was called, and there were yeas 34 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Milton	Peterson	Spear
Ashbach	Hughes	Moe	Purfeerst	Staples
Chmielewski	Humphrey	Nelson	Schaaf	Stokowski
Davies	Keefe, S.	Nichols	Schmitz	Strand
Engler	Laufenburger	Olhoft	Setzepfandt	Vega
Gearty	McCutcheon	Olson	Sikorski	Wegener
Gunderson	Menning	Penny	Solon	

Those who voted in the negative were:

Benedict	Johnson	Luther	Tenessen	Willet
Dieterich	Lessard			

The motion prevailed. So S. F. No. 975 was recommended to pass.

S. F. No. 131, which the committee recommends be re-referred to the Committee on Judiciary, after the following motions:

Mr. Olhoft moved to amend S. F. No. 131 as follows:

Page 3, line 5, after "lobbyist" insert "*for an amount exceeding \$100 per year*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 13, as follows:

Those who voted in the affirmative were:

Benedict	Borden	Dieterich	Gearty	Hanson
Bernhagen	Davies	Dunn	Gunderson	Hughes

Humphrey	Menning	Olson	Schrom	Staples
Jensen	Merriam	Penny	Setzepfandt	Stokowski
Johnson	Milton	Purfeerst	Sieloff	Strand
Keefe, S.	Moe	Renneke	Sikorski	Tennessee
Knoll	Nelson	Schaaf	Solon	Ulland, J.
Luther	Olhoft	Schmitz	Spear	Vega

Those who voted in the negative were:

Ashbach	Keefe, J.	Lessard	Sillers	Wegener
Brataas	Knutson	Lewis	Ueland, A.	Willet
Frederick	Laufenburger	Peterson		

The motion prevailed. So the amendment was adopted.

The question was taken on the adoption of the motion to re-refer S. F. No. 131 to the Committee on Judiciary.

The roll was called, and there were yeas 36 and nays 24, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lewis	Purfeerst	Stokowski
Bang	Gunderson	Menning	Renneke	Tennessee
Bernhagen	Hanson	Merriam	Schmitz	Ueland, A.
Borden	Jensen	Moe	Schrom	Wegener
Brataas	Kleinbaum	Nelson	Setzepfandt	
Davies	Knutson	Olson	Sieloff	
Dunn	Laufenburger	Peterson	Sillers	
Engler	Lessard	Pillsbury	Solon	

Those who voted in the negative were:

Anderson	Humphrey	Luther	Penny	Strand
Benedict	Johnson	McCutcheon	Schaaf	Ulland, J.
Dieterich	Keefe, J.	Milton	Sikorski	Vega
Gearty	Keefe, S.	Nichols	Spear	Willet
Hughes	Knoll	Olhoft	Staples	

The motion prevailed.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to the Senate Calendar. The motion prevailed.

Mr. Merriam moved that S. F. No. 109, No. 3 on the Calendar, be stricken and placed at the top of General Orders.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 29 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	Pillsbury	Solon
Bang	Engler	Knutson	Renneke	Staples
Bernhagen	Frederick	Merriam	Setzepfandt	Strand
Brataas	Gunderson	Olhoft	Sieloff	Ueland, A.
Chmielewski	Hughes	Olson	Sikorski	Ulland, J.
Davies	Jensen	Penny	Sillers	

Those who voted in the negative were:

Anderson	Johnson	McCutcheon	Peterson	Tennessee
Benedict	Keefe, S.	Menning	Purfeerst	Vega
Borden	Kleinbaum	Milton	Schaaf	Wegener
Dieterich	Lessard	Moe	Schmitz	Willet
Gearty	Lewis	Nelson	Spear	
Hanson	Luther	Nichols	Stokowski	

The motion prevailed.

THIRD READING OF HOUSE BILLS

H. F. No. 763: A bill for an act relating to labor; prohibiting certain terms in employment agreements relating to inventions by employees.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Olson	Solon
Ashbach	Gearty	Lewis	Penny	Spear
Bang	Gunderson	Luther	Peterson	Staples
Benedict	Hanson	McCutcheon	Purfeerst	Stokowski
Bernhagen	Hughes	Menning	Renneke	Strand
Borden	Jensen	Merriam	Schaaf	Tennessee
Chmielewski	Johnson	Milton	Schmitz	Ueland, A.
Coleman	Keefe, J.	Moe	Schrom	Ulland, J.
Davies	Keefe, S.	Nelson	Setzpfandt	Vega
Dieterich	Kleinbaum	Nichols	Sieloff	Wegener
Dunn	Knoll	Ogdahl	Sikorski	Willet
Engler	Knutson	Olhoft	Sillers	

Mr. Pillsbury voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1208: A bill for an act relating to mobile homes; regulating mobile home lot payments; prohibiting entrance fees; providing for termination of land leases; amending Minnesota Statutes 1976, Sections 327.43, Subdivision 1; and 327.44.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Gearty	Kleinbaum	McCutcheon
Ashbach	Coleman	Hanson	Knoll	Menning
Bang	Davies	Hughes	Knutson	Merriam
Benedict	Dieterich	Jensen	Laufenburger	Milton
Bernhagen	Dunn	Johnson	Lessard	Moe
Borden	Engler	Keefe, J.	Lewis	Nelson
Brataas	Frederick	Keefe, S.	Luther	Nichols

Ogdahl	Purfeerst	Sieloff	Staples	Ulland, J.
Olhoft	Renneke	Sikorski	Stokowski	Vega
Penny	Schmitz	Sillers	Strand	Wegener
Peterson	Schrom	Solon	Tennessee	Willet
Pillsbury	Setzepfandt	Spear	Ueland, A.	

Mr. Gunderson voted in the negative.

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. 1510 a Special Order to be heard immediately.

H. F. No. 1510: A bill for act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals.

Mr. Ulland, J. moved to amend H. F. No. 1510, as amended pursuant to Rule 49, adopted by the Senate April 27, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1452.)

Page 9, after line 5, insert:

"The university is directed to take the necessary steps to insure faculty salary equalization among the Twin Cities and coordinate campuses and submit a progress report to the legislature by January 15, 1979."

The motion did not prevail. So the amendment was not adopted.

CALL OF THE SENATE

Mr. Moe imposed a call of the Senate. The following Senators answered to their names:

Ashbach	Gunderson	Lessard	Pillsbury	Strand
Bang	Hanson	Lewis	Renneke	Stumpf
Benedict	Hughes	Luther	Schaaf	Tennessee
Bernhagen	Humphrey	McCutcheon	Schmitz	Ueland, A.
Borden	Jensen	Menning	Schrom	Ulland, J.
Chmielewski	Johnson	Milton	Setzepfandt	Vega
Coleman	Keefe, J.	Moe	Sieloff	Wegener
Davies	Keefe, S.	Nelson	Sillers	Willet
Dieterich	Kleinbaum	Ogdahl	Solon	
Dunn	Knoll	Olhoft	Spear	
Engler	Knutson	Olson	Staples	
Gearty	Laufenburger	Penny	Stokowski	

The Sergeant at Arms was instructed to bring in the absent members.

SUSPENSION OF RULES

Mr. Moe moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with

respect to H. F. No. 1510 and that the rules of the Senate be so far suspended as to give H. F. No. 1510, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

H. F. No. 1510 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penny	Stokowski
Ashbach	Gearty	Lessard	Pillsbury	Strand
Bang	Gunderson	Lewis	Purfeerst	Stumpf
Benedict	Hanson	Luther	Renneke	Tennessee
Bernhagen	Hughes	McCutcheon	Schaaf	Ueland, A.
Borden	Humphrey	Menning	Schmitz	Ulland, J.
Brataas	Jensen	Merriam	Schrom	Vega
Chmielewski	Johnson	Milton	Setzepfandt	Wegener
Coleman	Keefe, J.	Moe	Sieloff	Willet
Davies	Keefe, S.	Nelson	Sillers	
Dieterich	Kleinbaum	Ogdahl	Solon	
Dunn	Knoll	Olhoff	Spear	
Engler	Knutson	Olson	Staples	

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 S. F. No. 311 a Special Order to be heard immediately.

S. F. No. 311: A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488A.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; and

487, by adding a section; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; and Chapters 530; 531; 532; and 633.

Mr. Tennessen moved to amend S. F. No. 311 as follows:

Page 4, line 18, strike "*Supervising*" and insert "*Supervision of*"

Page 28, line 25, strike "court,"

Page 29, line 17, strike "*provision*" and insert "*provisions*"

Page 31, line 7, strike "court,"

Page 31, after line 29, insert:

"Sec. 44. Laws 1977, Chapter 35, Section 18, is amended to read:

Sec. 18. [TEMPORARY PROVISION.] Notwithstanding any other provision of this act *Laws 1977, Chapter 35* to the contrary, an increase in compensation provided a district or supreme court judge herein shall not take effect *until every as to any judge of the district court and or any justice of the supreme court who served in the district or supreme court prior to July 1, 1967, until he* submits an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106."

Renumber the sections in sequence

Page 32, line 7, after the second semicolon insert "490.124, subdivision 7;"

Amend the title as follows:

Page 1, line 17, after the semicolon, insert "providing for the compensation of certain judges upon compliance with certain provisions of the law;"

Page 1, line 33, strike "and"

Page 1, line 33, after the second semicolon insert "and Laws 1977, Chapter 35, Section 18;"

Page 2, line 1, after the semicolon insert "490.124, subdivision 7;"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S. F. No. 311 as follows:

Pages 4 and 5, strike section 2

Page 5, lines 16 to 19, reinstate the stricken language

Page 5, lines 20 to 26, strike the new language

Page 32, strike subdivision 2

Renumber the remaining subdivision

Amend the title as follows:

Page 1, line 8, strike "and Ramsey counties" and insert "county"

Page 1, line 18, strike "Subdivisions 2 and" and insert "Sub-division"

The motion did not prevail. So the amendment was not adopted.

Mr. Strand moved to amend S. F. No. 311 as follows:

Page 12, after line 16, insert:

"Sec. 11. Minnesota Statutes 1976, Section 484.62, is amended to read:

484.62 [COMPENSATION AND REPORTER.] When such retired judge undertakes such service, he shall be provided at the expense of the county in which he is performing such service with a reporter, selected by such retired judge, clerk, bailiff, if the judge deems a bailiff necessary, and a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county in which such service is rendered and shall be paid in addition to his retirement compensation and not affecting the amount thereof, the sum of \$50 per diem for such additional service, together with travel pay in the sum of nine cents per mile same amount and manner as other state employees and his actual expenses incurred in such service, said payment to be made in the same manner as the payment of salaries for district judges, on certification by the presiding or senior judge of the district or by the Chief Judge of the Supreme Court of the state of Minnesota. A deputy clerk may act as bailiff when called to do so for the purposes of this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 20, after "484.54;" insert "484.62;"

The motion prevailed. So the amendment was adopted.

Mr. Dieterich moved to amend S. F. No. 311 as follows:

Page 10, line 29, strike everything after the period

Page 10, strike line 30

Page 10, line 31, strike "to the assignment." and insert "A judge of the district court may be assigned by the chief judge of the district court or by the supreme court to hear county court matters within his district without his consent."

Page 23, line 3, after "assignment" insert "pursuant to this section"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Knoll	Renneke
Brataas	Jensen	Lewis	Schmitz
Coleman	Johnson	Luther	Spear
Dieterich	Keefe, S.	Merriam	Stumpf

Those who voted in the negative were:

Bang	Gunderson	McCutcheon	Purfeerst	Strand
Bernhagen	Hanson	Menning	Schrom	Tennessee
Borden	Humphrey	Moe	Setzepfandt	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Sieloff	Ulland, J.
Davies	Kleinbaum	Olhoft	Sillers	Wegener
Dunn	Knutson	Olson	Solon	Willet
Engler	Laufenburger	Penny	Staples	
Gearty	Lessard	Pillsbury	Stokowski	

The motion did not prevail. So the amendment was not adopted.

Mr. Knoll moved to amend S. F. No. 311 as follows:

Page 4, line 26, after "one" insert "*or more*"

Page 4, line 30, strike "*the*" and insert "*a*"

Page 4, line 32, strike "*the*" and insert "*any*"

Page 5, line 1, strike "*The*" and insert "*Any*"

Page 5, line 2, strike "*the*"

Page 5, line 15, after the comma strike "*the*" and insert "*a*"

Page 5, line 20, after "*One*" insert "*or more*"

Page 5, line 26, before "*judge*" strike "*The*" and insert "*A*"

Page 5, line 29, strike "*the*" and insert "*a*"

Page 5, line 32, strike "*the*" and insert "*a*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S. F. No. 311 as follows:

Page 5, line 21, after the second "*the*" insert "*judicial*"

Page 5, line 21, strike "*court of*"

Page 5, line 22, strike "*Hennepin county*"

Page 5, line 22, after "*the*" insert "*judges of the*"

Page 5, line 23, strike "*judges*" and insert "*court*"

Page 10, line 4, after "*court*" insert "*, the county court, the county municipal court, and the probate court*"

Page 10, strike line 6

Page 10, line 8, strike "*or by the judges of the district court in the judicial*"

Page 10, line 9, strike "*district in which he serves*"

Page 10, line 11, strike "*district*"

- Page 10, line 13, after "of" insert "*the judicial*"
- Page 10, line 13, strike "*court*"
- Page 10, line 14, strike "*of*"
- Page 10, line 15, strike "*the district court*"
- Page 10, line 17, strike "*district court*" and insert "*courts of the judicial district*"
- Page 10, line 18, strike "*district court*" and insert "*the courts*"
- Page 10, strike lines 21 to 32
- Page 11, strike lines 1 to 5
- Page 11, line 6, strike "4" and insert "3"
- Page 11, line 6, strike "*judges*" and insert "*judge*"
- Page 13, lines 5 and 6, after the first "*the*" insert "*judicial*"
- Page 13, lines 5 and 6, strike "*court*"
- Page 13, line 9, after "*the*" and before "*district*" insert "*judicial*"
- Page 13, line 9, strike "*court*"
- Page 13, line 26, after the second "*the*" insert "*judicial*"
- Page 13, line 26, strike "*court*"
- Page 15, line 14, strike the second "*the*"
- Page 15, strike line 15
- Page 15, line 16, strike "*county municipal court in*"
- Page 15, line 18, strike "*district court, and a*" and insert "*courts of the judicial district. The district administrator shall serve at the pleasure of the judges of the judicial district.*"
- Page 15, strike lines 19 to 27
- Page 16, lines 1 and 17, strike "*judges*" and insert "*judge*"
- Page 16, line 1, strike "*their*" and insert "*his*"
- Pages 22 and 23, strike section 23
- Page 23, line 14, strike "*county*" and insert "*judicial district*"
- Page 23, line 15, strike "*court*"
- Renumber the sections in sequence
- Amend the title as follows:
- Page 1, line 2, after "of" insert "a"
- Page 1, line 3, strike "*judges*" and insert "*judge in each judicial district*"
- Page 1, line 33, strike "and 487, by adding a section;"
- The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Knutson	Spear	Wegener
Brataas	Johnson	Luther	Stokowski	Willet
Coleman	Keefe, S.	Merriam	Stumpf	
Dieterich	Kleinbaum	Schmitz	Ulland, J.	
Gunderson	Knoll	Solon	Vega	

Those who voted in the negative were:

Bang	Engler	Laufenburger	Penny	Staples
Bernhagen	Gearty	Lessard	Purfeerst	Strand
Borden	Hanson	McCutcheon	Renneke	Tennessee
Chmielewski	Humphrey	Menning	Setzepfandt	Ueland, A.
Davies	Jensen	Nelson	Sieloff	
Dunn	Keefe, J.	Olhoft	Sillers	

The motion did not prevail. So the amendment was not adopted.

Mr. Jensen moved to amend S. F. No. 311 as follows:

Page 11, lines 19 to 21, reinstate the stricken language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 9 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Keefe, J.	Renneke	Ueland, A.
Bernhagen	Jensen	Knutson	Sieloff	

Those who voted in the negative were:

Borden	Hughes	Lessard	Penny	Strand
Chmielewski	Humphrey	Luther	Purfeerst	Stumpf
Davies	Johnson	McCutcheon	Schmitz	Tennessee
Engler	Keefe, S.	Menning	Setzepfandt	Vega
Gearty	Kleinbaum	Milton	Spear	Wegener
Gunderson	Knoll	Nelson	Staples	Willet
Hanson	Laufenburger	Olhoft	Stokowski	

The motion did not prevail. So the amendment was not adopted.

S. F. No. 311: A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; providing for the compensation of certain judges upon compliance with certain provisions of the law; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34;

484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488A.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and Laws 1977, Chapter 35, Section 18; 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; and 487, by adding a section; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 490.124, Subdivision 7; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; and Chapters 530; 531; 532; and 633.

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 40 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Milton	Staples
Bang	Gearty	Kleinbaum	Nelson	Stokowski
Borden	Hanson	Knoll	Renneke	Stumpf
Brataas	Hughes	Knutson	Schrom	Tennesen
Chmielewski	Humphrey	Laufenburger	Sieloff	Ueland, A.
Coleman	Jensen	Lewis	Sillers	Ulland, J.
Davies	Johnson	Luther	Solon	Vega
Dieterich	Keefe, J.	McCutcheon	Spear	Wegener

Those who voted in the negative were:

Bernhagen	Lessard	Olhoft	Purfeerst	Strand
Engler	Menning	Olson	Schmitz	Willet
Gunderson	Merriam	Penny	Setzepfandt	

So the bill, as amended, passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mrs. Staples moved that S. F. No. 749, No. 43 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

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.

APPOINTMENTS

Mr. Coleman, from the Subcommittee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 437, pursuant to the request of the House:
Messrs. Olhoft, Sillers and Peterson.

H. F. No. 339, pursuant to the request of the House:
Messrs. Knoll, Lewis and Kirchner.

H. F. No. 586, pursuant to the request of the House:
Messrs. McCutcheon, Merriam and Bernhagen.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

Mr. Coleman, from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 581, 683 and 1467 makes the following report:

That S. F. Nos. 581, 683 and 1467 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.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Chmielewski moved that S. F. No. 1093, No. 1 on the Consent Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

Mr. Lessard moved that H. F. No. 293 be withdrawn from the Committees on Local Government and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 494 now on General Orders. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, April 28, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-THIRD DAY

St. Paul, Minnesota, Thursday, April 28, 1977

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Benedict	Gearty	Luther	Pillsbury	Stumpf
Borden	Hughes	Menning	Purfeerst	Tennessee
Chenoweth	Keefe, S.	Merriam	Schmitz	Ulland, J.
Coleman	Kirchner	Nelson	Sieloff	Vega
Davies	Kleinbaum	Olhoft	Solon	Willet
Dieterich	Knutson	Olson	Spear	
Dunn	Laufenburger	Perpich	Stokowski	
Engler	Lewis	Peterson	Strand	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. David P. Rebeck.

The roll was called, and the following Senators answered to their names:

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Peterson	Stokowski
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Borden	Humphrey	Menning	Renneke	Tennessee
Brataas	Jensen	Merriam	Schaaf	Ulland, A.
Chenoweth	Johnson	Milton	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schrom	Vega
Coleman	Keefe, S.	Nelson	Setzepfandt	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olhoft	Sillers	
Engler	Knutson	Olson	Solon	

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. McCutcheon was excused from the Session of today from 11:30 o'clock a.m. until 8:30 o'clock p.m. Mr. Sieloff was excused from the Session of today at 11:40 o'clock a.m.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Luther, Benedict, Coleman, Sikorski and Keefe, S. introduced—

S. F. No. 1480: A bill for an act relating to elections; providing for the admission of candidates and campaign workers to multiple unit dwellings; providing penalties; amending Minnesota Statutes 1976, Section 210A.43.

Referred to the Committee on Elections.

Mr. Vega introduced—

S. F. No. 1481: A bill for an act relating to housing and redevelopment authorities; authority to make rehabilitation loans and grants broadened; amending Minnesota Statutes 1976, Section 462.445, Subdivision 9.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Willet and Merriam introduced—

S. F. No. 1482: A bill for an act relating to the pollution control agency; its powers and duties; prescribing additional enforcement powers with respect to air, land, noise and hazardous waste pollution control; amending Minnesota Statutes 1976, Section 116.07, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sieloff, Frederick and Engler introduced—

S. F. No. 1483: A bill for an act relating to transportation; providing for a transportation museum; appropriating money.

Referred to the Committee on Transportation.

Messrs. Perpich, Schaaf, Stokowski, Sikorski and Knoll introduced—

S. F. No. 1484: A bill for an act relating to livestock; abolishing the livestock sanitary board and transferring its functions to the commissioner of agriculture; appropriating money; amending Minnesota Statutes 1976, Chapter 35, by adding a section; Sections 35.01, Subdivision 2, and by adding a subdivision; 35.02; 35.03; 35.04; and 35.05.

Referred to the Committee on Agriculture and Natural Resources.

Mmes. Staples, Brataas, Messrs. Milton and Spear introduced—

S. F. No. 1485: A bill for an act relating to daytime activity centers; limiting expenditures that are eligible for state assistance; requiring certain representation on boards of directors; requiring board approval of budgets; amending Minnesota Statutes 1976, Sections 252.24, Subdivision 4; 252.25; and 252.26.

Referred to the Committee on Health, Welfare and Corrections.

Mmes. Staples, Brataas, Messrs. Milton, Spear and Vega introduced—

S. F. No. 1486: A bill for an act relating to public welfare; providing liability insurance to all foster boarding homes licensed by the department of public welfare; appropriating money; amending Minnesota Statutes 1976, Chapter 245, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Luther, Peterson, Schrom and Nichols introduced—

S. F. No. 1487: A bill for an act relating to water resources; modifying procedures for the adoption of local shoreland management ordinances; amending Minnesota Statutes 1976, Section 105.485, Subdivision 6.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sikorski introduced—

S. F. No. 1488: A bill for an act relating to public welfare; creating a rebuttable presumption that certain transfers of property are intended to make persons eligible for medical or maintenance assistance; amending Minnesota Statutes 1976, Chapter 256, by adding a section; repealing Minnesota Statutes 1976, Section 256B.17.

Referred to the Committee on Judiciary.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 111, 569, 600 and 1387.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 27, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos.

685, 686, 791, 908, 1184, 139, 297, 525, 1248, 1518, 323, 931, 1187, 1194, 1474, 106, 163, 410, 411, 414, 823, 962, 967 and 1098.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 27, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 685: A bill for an act relating to the city of Hibbing; authorizing an increase in the service pensions of certain retired firemen; amending Laws 1935, Chapter 192, Section 1, as amended, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 500, now on General Orders.

H. F. No. 686: A bill for an act relating to retirement; judges' survivors' benefits; option to continue.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1055, now on the Consent Calendar.

H. F. No. 791: A bill for an act relating to state lands; authorizing the lease of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

Referred to the Committee on Rules and Administration.

H. F. No. 908: A bill for an act relating to the city of White Bear Lake; firemen's service pensions and disability benefits; amending Laws 1971, Chapter 214, Section 1.

Referred to the Committee on Governmental Operations.

H. F. No. 1184: A bill for an act relating to the city of Lakeville; authorizing an increase in firemen's service pensions; amending Laws 1975, Chapter 125, Section 1.

Referred to the Committee on Governmental Operations.

H. F. No. 139: A bill for an act relating to natural resources; revising certain provisions relating to St. Croix Wild River state park.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 297: A bill for an act relating to group health care plans; requiring written notice to employees before certain employee health care plans may be terminated, amending Minnesota Statutes 1976, Section 62E.16.

Referred to the Committee on Commerce.

H. F. No. 525: A bill for an act relating to natural resources; drainage; providing for transfer by county boards of certain surplus ditch funds to another governing body taking over the drainage system; amending Minnesota Statutes 1976, Section 106.471, Subdivision 6.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 566, now on General Orders.

H. F. No. 1248: A bill for an act relating to the city of Springfield; providing for city buildings and equipment and their use; providing for a bond issue.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1191, now on General Orders.

H. F. No. 1518: A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 271.

Referred to the Committee on Education.

H. F. No. 323: A bill for an act relating to Dakota county; providing that the office of administrative assistant to the sheriff shall be unclassified.

Referred to the Committee on Local Government.

H. F. No. 931: A bill for an act relating to Ramsey county; inserting the county ditch law into the Ramsey county code; amending Laws 1974, Chapter 435, by adding a section; repealing Laws 1974, Chapter 180.

Referred to the Committee on Local Government.

H. F. No. 1187: A bill for an act relating to retirement; membership of Hennepin soil and water conservation district employees in the public employees retirement association; amending Minnesota Statutes 1976, Chapter 353, by adding a section.

Referred to the Committee on Governmental Operations.

H. F. No. 1194: A bill for an act relating to the city of Marshall; authorizing the issuance of general obligation airport bonds.

Referred to the Committee on Rules and Administration.

H. F. No. 1474: A bill for an act relating to employment services; authorizing the release of information to certain state agencies; amending Minnesota Statutes 1976, Section 268.12, Subdivision 12.

Referred to the Committee on Rules and Administration.

H. F. No. 106: A bill for an act relating to the city of St. Cloud; firemen's widows benefits; amending Laws 1974, Chapter 382, Section 5, Subdivision 2.

Referred to the Committee on Governmental Operations.

H. F. No. 163: A bill for an act relating to the firemen's relief association of the city of Albertville, computation of years of service for volunteer firemen.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 117, now on the Consent Calendar.

H. F. No. 410: A bill for an act relating to the city of Fridley; membership of new police officers in the public employees retirement association; benefits and contributions for remaining members of the Fridley police pension association.

Referred to the Committee on Governmental Operations.

H. F. No. 411: A bill for an act relating to the city of Columbia Heights police department relief association; membership therein; benefits and contributions; membership of certain police personnel in the public employees' police and fire fund.

Referred to the Committee on Governmental Operations.

H. F. No. 414: A bill for an act relating to the city of Fairmont; membership of new police in the public employees retirement association.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 337, now on General Orders.

H. F. No. 823: A bill for an act relating to public health; permitting plastic well casings; amending Minnesota Statutes 1976, Chapter 156A, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 962: A bill for an act relating to appropriations; abolishing open appropriations for various purposes; providing direct appropriations for debt service and for other purposes previously supported by open appropriations; amending Minnesota Statutes 1976, Sections 16.023; 16A.27; 43.12, Subdivision 11; 84B.07; 136A.08, Subdivisions 1 and 2; 176.183, Subdivision 2; 192.52; 268.06, Subdivision 25; 299D.03, Subdivision 1; 351.11; 352E.02; 481.15, Subdivision 2; and Laws 1973, Chapter 567, Section 7; repealing Minnesota Statutes 1976, Sections 124.23; 136.508; 261.233; 352E.05; 355.31 to 355.39.

Referred to the Committee on Finance.

H. F. No. 967: A bill for an act relating to education; quality

education council; expanding duties and functions; amending Minnesota Statutes 1976, Sections 3.925 and 3.927.

Referred to the Committee on Finance.

H. F. No. 1098: A bill for an act relating to workers' compensation; authorizing coverage for owners of a business; including family farms and family farm corporations; excluding certain persons; amending Minnesota Statutes 1976, Sections 176.011, Subdivisions 9 and 11a; 176.012; 176.041, Subdivision 1; and 176.051.

Referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Laufenburger from the Committee on Employment, to which was re-referred

H. F. No. 212: A bill for an act relating to employment fees; providing period when fees must be refunded; amending Minnesota Statutes 1976, Section 184.38, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike "*they withdraw*" and insert "*the applicant withdraws*"

Page 1, line 13, strike "*so notify*" and insert "*notifies*"

Page 1, line 14, before the comma insert "*of the withdrawal*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

H. F. No. 922: A bill for an act relating to labor; authorizing certain payroll deductions; amending Minnesota Statutes 1976, Section 181.06.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Laufenburger from the Committee on Employment, to which was referred

H. F. No. 920: A bill for an act relating to labor; providing for union notification of a member's injury or death; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike "*necessitates*" and insert "*requires a report to the commissioner of labor and industry in accordance with section 176.231, subdivision 1, occurs, a copy of the report shall be mailed by the employer to the employee's local union at the local union office within 48 hours after the employer receives notice of the occurrence.*"

Page 1, strike lines 12 to 15

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which were referred

H. F. Nos. 1469 and 1305 for comparison to companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their Second Readings and substituted for 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.
1469	1269				
1305	1183				

and that the above Senate Files be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which were referred

H. F. Nos. 707, 805, 293 and 1099 for comparison to 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.
707	1113				
805	1311				
293	494				
1099	888				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 707 be amended as follows:

Page 3, line 29, delete "*if that city or town*" and insert a period

Page 3, delete line 30

Page 4, lines 11 and 12, delete "*which employs its own certified assessor*"

Page 5, lines 3 and 4, delete the underscored language

Page 5, lines 9 and 10, delete the underscored language

Page 5, line 17, delete the underscored language

And when so amended, H. F. No. 707 will be identical to S. F. No. 1113 and further recommends that H. F. No. 707 be given its second reading and substituted for S. F. No. 1113 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 805 be amended as follows:

Page 1, line 19, after "employees" insert ", or principals or assistant principals"

Page 1, line 21, before the period insert ", or principals or assistant principals"

Further, amend the title as follows:

Line 2, delete "excluding"

Line 3, delete "supervisory employees from" and insert "permitting affiliation of supervisory and confidential employees, principals and assistant principals in"

And when so amended, H. F. No. 805 will be identical to S. F. No. 1311 and further recommends that H. F. No. 805 be given its second reading and substituted for S. F. No. 1311 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 293 be amended as follows:

Page 1, line 9, delete "shall" and insert "may"

Page 1, line 14, after "county" delete the comma

Page 1, line 18, delete "shall" and insert "may"

Page 1, delete lines 19 to 22 and insert "acquire by gift or purchase and may operate any existing dam or control works that may affect the level of waters situated wholly or partly within the boundaries of the town. The electors of the town of Hines may levy taxes for the maintenance and operation of any dam conveyed pursuant to section 1 subject to the limitations specified in section 275.10."

Further, delete the title and insert

"A bill for an act relating to waters; authorizing conveyance of a dam easement and empowering the town of Hines in Beltrami county to maintain and operate a dam."

And when so amended, H. F. No. 293 will be identical to S. F. No. 494 and further recommends that H. F. No. 293 be given its second reading and substituted for S. F. No. 494 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1099 be amended as follows:

Strike everything after the enacting clause and insert

“Section 1. Minnesota Statutes 1976, Section 69.06, is amended to read:

69.06 [SERVICE PENSIONS.] Every fire department relief association organized under any laws of this state when its certificate of incorporation or bylaws so provide may pay out of any funds received from the state, or other source, a service pension in such amount, not exceeding \$80 \$60 per month, as hereinafter authorized, or as may be provided by its bylaws, to each of its members who has heretofore retired or may hereafter retire, who has reached or shall hereafter reach the age of 50 years and who has done or hereafter shall do active duty for 20 15 years or more as a member of a volunteer, paid or partially paid and partially volunteer, fire department in the municipality where the association exists, and who has been or shall hereafter be a member of such fire department relief association at least ten years prior to such retirement and who complies with such additional conditions as to age, service, and membership as may be prescribed by the certificate or bylaws of the association.

The association may also pay a service pension to each of its members who has done or hereafter does active duty for ten years or more, but less than 15 years, as a member of the fire department of the city and who is otherwise eligible to receive a service pension under this section and the bylaws of the association. The amount of service pension shall be 75 percent of the amount of the service pension payable upon completion of 15 years of service prorated on the basis that the number of years of service completed bears to 15 years.

The amount of monthly pension which may be paid to such retired firemen may be increased by adding to the maximum above prescribed an amount not exceeding \$4 per month for each year of active duty over 20 15 years of service before retirement; provided, that no such fire department relief association shall pay to any member thereof a pension in any greater amount than the sum of \$120 per month.

Any such fire department relief association where the majority of its members are volunteer firemen may provide in its certificate of incorporation or bylaws for a service pension in an amount not exceeding \$600 per year of service to be paid in a lump sum where the retiring member qualifies for a service pension under the provisions hereinbefore set forth.

These pensions shall be uniform in amount, except as herein otherwise provided. No such pension shall be paid to any person while he remains a member of the fire department and no person receiving such pension shall be entitled to other relief from the association. No payments made or to be made by the association to any member on the pension role shall be subject to judgment, garnishment, execution, or other legal process and no person entitled to such payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 2. Minnesota Statutes 1976, Section 69.772, Subdivision 2, is amended to read:

Subd. 2. The following table shall be used to determine the liability of the special pension fund of the firemen's relief association relative to each active or deferred member of the fund, calculated individually:

Cumulative Year	Accrued Liability	
.....
1	\$30	\$35
2	62	71
3	95	110
4	130	150
5	167	192
6	205	236
7	243	283
8	288	332
9	333	383
10	380	437
11	429	494
12	481	553
13	535	616
14	592	681
15	652	750
16 and thereafter	714	50
	<i>additional</i>	
	<i>per year</i>	
17	780	
18	849	
19	922	
20	1000	
21 and thereafter	50	
	<i>additional</i>	
	<i>per year</i>	

The accrued liability reflected in dollar amounts after each cumulative year of service, is the total liability earned to date

for each \$1,000 of lump sum retirement benefit which will be payable to a member after age 50 and 20 15 years of service in accordance with the state statutes and bylaws of the association. The special fund accrued liability for each individual member shall be that multiple or portion of the amounts listed in the table, that the actual benefits provided by statute and bylaw bear to \$1,000. The total accrued liability of the special fund to the date of calculation shall be the sum of the accrued liability of the special fund as regards to each active member.

Sec. 3. *This act is effective July 1, 1977.*"

Further, strike the title and insert

"A bill for an act relating to retirement; proportionate vesting of volunteer firemen's relief association service pensions; amending Minnesota Statutes 1976, Sections 69.06; and 69.772, Subdivision 2."

And when so amended, H. F. No. 1099 will be identical to S. F. No. 888 and further recommends that H. F. No. 1099 be given its second reading and substituted for S. F. No. 888 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. Anderson from the Committee on Energy and Housing, to which was re-referred

S. F. No. 896: A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned, annual payments, and attorneys fees for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; prescribing a property tax credit for land crossed by high voltage transmission lines; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; 116C.69; 273.42; 276.04; and Chapters 116C, by adding a section; and 273, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 21, strike "*and the*"

Page 7, line 22, strike "*considerations specified in section 116D.02, subdivision 2*"

Page 7, line 29, strike "and"

Page 7, line 31, after the comma insert "*and the considerations specified in section 116D.02, subdivision 2,*"

Page 9, line 1, strike "*The board shall designate routes along survey,*"

Page 9, strike lines 2 and 3

Page 9, line 4, strike "*permitted by the landowner.*"

Page 11, line 14, strike "*large electric power generating plants and high*"

Page 11, line 15, strike "*voltage transmission lines*" and insert "*sites and routes*"

Page 11, line 24, strike "*, including potential routes which would*"

Page 11, strike line 25

Page 11, line 26, strike "*highway rights-of-ways*"

Page 11, after line 26, insert:

"(8) Evaluation of potential routes which would use or parallel existing railroad and highway rights-of-way;

(9) Evaluation of potential routes along survey, natural division and field boundary lines;"

Renumber the remaining clauses

Page 15, line 15, strike "*specific*"

Page 17, after line 24, insert:

"Subd. 4. When private property, except property owned by a railroad or mining company, is proposed to be acquired for the construction of a site or route by eminent domain proceedings, the property owner shall have the option to require the utility to condemn a fee interest in any amount of contiguous land which he owns and elects in writing to transfer to the utility."

Page 27, line 6, strike "30" and insert "90"

Page 28, line 1, after "*initiated*" insert "*or conducted*"

Page 28, line 6, after "*initiated*" insert "*or conducted*"

Page 28, line 12, strike "*section 24*" and insert "*sections 21 or 28*"

Further, amend the title as follows:

Page 1, line 8, after "*condemned*" strike the comma and insert "*and*"

Page 1, line 8, strike "*, and attorneys fees*"

Page 1, line 14, strike "*prescribing*" and insert "*providing for*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1469, 1305, 707, 805, 293 and 1099 were read the second time.

H. F. Nos. 212, 922 and 920 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Merriam moved that his name be stricken as co-author to S. F. No. 158. The motion prevailed.

Mr. McCutcheon moved that the name of Mr. Schaaf be added as co-author to S. F. No. 411. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar and waive the lie-over requirement. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 1150: A bill for an act relating to elections; regulating identification and providing assistance for absentee voters; amending Minnesota Statutes 1976, Section 207.03; and Chapter 207, 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 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Penny	Staples
Ashbach	Frederick	Lewis	Perpich	Stokowski
Bang	Gearty	Luther	Peterson	Strand
Benedict	Gunderson	McCutcheon	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Tennesen
Borden	Hughes	Merriam	Renneke	Ueland, A.
Brataas	Jensen	Milton	Schmitz	Ulland, J.
Chenoweth	Johnson	Moe	Setzepfandt	Vega
Chmielewski	Keefe, J.	Nelson	Sieloff	Wegener
Coleman	Keefe, S.	Nichols	Sikoraki	Willet
Davies	Kirchner	Ogdahl	Sillers	
Dieterich	Kleinbaum	Olhoft	Solon	
Dunn	Knutson	Olson	Spear	

So the bill passed and its title was agreed to.

S. F. No. 557: A bill for an act relating to employees; participation in group life insurance plans; prohibiting certain mandatory participation requirements; providing remedies; amending Minnesota Statutes 1976, Chapter 61A, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Olson	Sillers
Ashbach	Frederick	Lessard	Penny	Solon
Bang	Gearty	Lewis	Perpich	Spear
Benedict	Gunderson	Luther	Peterson	Staples
Bernhagen	Hanson	McCutcheon	Pillsbury	Stokowski
Borden	Hughes	Menning	Purfeerst	Strand
Brataas	Jensen	Merriam	Renneke	Stumpf
Chenoweth	Johnson	Milton	Schaaf	Tennessee
Chmielewski	Keefe, J.	Moe	Schmitz	Ueland, A.
Coleman	Keefe, S.	Nelson	Schrom	Ulland, J.
Davies	Kirchner	Nichols	Setzepfandt	Vega
Dieterich	Kleinbaum	Ogdahl	Sieloff	Wegener
Dunn	Knutson	Olhoft	Sikorski	Willet

So the bill passed and its title was agreed to.

S. F. No. 903: A bill for an act relating to public safety; excepting certain personnel in the department of public safety from the requirement of reimbursing the state for the cost of using state-owned vehicles; amending Minnesota Statutes 1976, Section 16.753, 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	Engler	Lessard	Penny	Solon
Ashbach	Frederick	Lewis	Perpich	Staples
Bang	Gearty	Luther	Peterson	Stokowski
Benedict	Gunderson	McCutcheon	Pillsbury	Strand
Bernhagen	Hanson	Menning	Purfeerst	Stumpf
Borden	Hughes	Merriam	Renneke	Tennessee
Brataas	Jensen	Milton	Schaaf	Ueland, A.
Chenoweth	Johnson	Moe	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Nelson	Schrom	Vega
Coleman	Kirchner	Nichols	Setzepfandt	Wegener
Davies	Kleinbaum	Ogdahl	Sieloff	Willet
Dieterich	Knutson	Olhoft	Sikorski	
Dunn	Laufenburger	Olson	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 572: A bill for an act relating to credit unions; extending the authority of state chartered credit unions to permit same activities as federally-chartered credit unions where commissioner

of banks authorizes by rule; amending Minnesota Statutes 1976, Section 52.04.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Olson	Solon
Aashbach	Frederick	Lessard	Penny	Spear
Bang	Gearty	Lewis	Perpich	Staples
Benedict	Gunderson	Luther	Peterson	Stokowski
Bernhagen	Hanson	McCutcheon	Pillsbury	Strand
Borden	Hughes	Menning	Purfeerst	Stumpf
Brataas	Jensen	Merriam	Renneke	Tennessee
Chenoweth	Johnson	Milton	Schaaf	Ueland, A.
Chmielewski	Keefe, J.	Moe	Schmitz	Ulland, J.
Coleman	Keefe, S.	Nelson	Setzepfandt	Vega
Davies	Kirchner	Nichols	Sieloff	Wegener
Dieterich	Kleinbaum	Ogdahl	Sikorski	Willet
Dunn	Knutson	Olhoft	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 932: A bill for an act relating to motor vehicles; registration and taxation; increasing fees for filing applications; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 10, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Knutson	Olson	Staples
Benedict	Gearty	Laufenburger	Penny	Stokowski
Bernhagen	Gunderson	Lewis	Perpich	Strand
Borden	Hanson	Luther	Pillsbury	Stumpf
Brataas	Hughes	Menning	Purfeerst	Tennessee
Chenoweth	Jensen	Merriam	Renneke	Ueland, A.
Chmielewski	Johnson	Milton	Schaaf	Ulland, J.
Coleman	Keefe, J.	Moe	Schmitz	Vega
Davies	Keefe, S.	Nichols	Setzepfandt	Wegener
Dunn	Kirchner	Ogdahl	Solon	Willet
Engler	Kleinbaum	Olhoft	Spear	

Those who voted in the negative were:

Ashbach	Lessard	Nelson	Schrom	Sikorski
Dieterich	McCutcheon	Peterson	Sieloff	Sillers

So the bill passed and its title was agreed to.

S. F. No. 922: A bill for an act relating to parking privileges for the physically handicapped; prohibiting nonhandicapped persons from parking in spaces designated for the handicapped; providing penalties.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Olson	Sillers
Ashbach	Frederick	Lessard	Penny	Solon
Bang	Gearty	Lewis	Perpich	Spear
Benedict	Gunderson	Luther	Peterson	Staples
Bernhagen	Hanson	McCutcheon	Pillsbury	Stokowski
Borden	Hughes	Menning	Purfeerst	Strand
Brataas	Jensen	Merriam	Renneke	Stumpf
Chenoweth	Johnson	Milton	Schaaf	Tennessee
Chmielewski	Keefe, J.	Moe	Schmitz	Ueland, A.
Coleman	Keefe, S.	Nelson	Schrom	Ulland, J.
Davies	Kirchner	Nichols	Setzepfandt	Vega
Dieterich	Kleinbaum	Ogdahl	Sieloff	Wegener
Dunn	Knutson	Olhoff	Sikorski	Willet

So the bill passed and its title was agreed to.

S. F. No. 882: A bill for an act relating to elections; directing the secretary of state to authorize a modified counting procedure for punchcard ballots; authorizing municipalities to use certain election procedures for experimental purposes; requiring reports.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Penny	Solon
Ashbach	Frederick	Lessard	Perpich	Spear
Bang	Gearty	Lewis	Peterson	Staples
Benedict	Gunderson	Luther	Pillsbury	Stokowski
Bernhagen	Hanson	McCutcheon	Purfeerst	Strand
Borden	Hughes	Menning	Renneke	Stumpf
Brataas	Jensen	Milton	Schaaf	Tennessee
Chenoweth	Johnson	Moe	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Schrom	Ulland, J.
Coleman	Keefe, S.	Nichols	Setzepfandt	Vega
Davies	Kirchner	Ogdahl	Sieloff	Wegener
Dieterich	Kleinbaum	Olhoff	Sikorski	Willet
Dunn	Knutson	Olson	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 881: A bill for an act relating to elections; directing the secretary of state to authorize and direct demonstration projects for the use of punchcard ballots for absent voters.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Penny	Solon
Ashbach	Frederick	Lessard	Perpich	Spear
Bang	Gearty	Lewis	Peterson	Staples
Benedict	Gunderson	Luther	Pillsbury	Stokowski
Bernhagen	Hanson	McCutcheon	Purfeerst	Strand
Borden	Hughes	Menning	Renneke	Stumpf
Brataas	Jensen	Milton	Schaaf	Tennessee
Chenoweth	Johnson	Moe	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Schrom	Ulland, J.
Coleman	Keefe, S.	Nichols	Setzepfandt	Vega
Davies	Kirchner	Ogdahl	Sieloff	Wegener
Dieterich	Kleinbaum	Olhoff	Sikorski	Willet
Dunn	Knutson	Olson	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 967: A bill for an act relating to probate; guardianships and conservatorships; providing for resignations and removals of guardians; providing for joinder of sureties in final account hearings; amending Minnesota Statutes 1976, Section 525.582.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Olson	Sillers
Ashbach	Frederick	Lessard	Penny	Solon
Bang	Gearty	Lewis	Perpich	Spear
Benedict	Gunderson	Luther	Peterson	Staples
Bernhagen	Hanson	McCutcheon	Pillsbury	Stokowski
Borden	Hughes	Menning	Purfeerst	Strand
Brataas	Jensen	Merriam	Renneke	Stumpf
Chenoweth	Johnson	Milton	Schaaf	Tennessee
Chmielewski	Keefe, J.	Moe	Schmitz	Ueland, A.
Coleman	Keefe, S.	Nelson	Schrom	Ulland, J.
Davies	Kirchner	Nichols	Setzepfandt	Vega
Dieterich	Kleinbaum	Ogdahl	Sieloff	Wegener
Dunn	Knutson	Olhoff	Sikorski	Willet

So the bill passed and its title was agreed to.

S. F. No. 968: A bill for an act relating to probate; decrees of descent; changing the requirements for the notice of hearing on a petition for a decree of descent; amending Minnesota Statutes 1976, Section 525.312.

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:

Ashbach	Frederick	Lewis	Perpich	Spear
Bang	Gearty	Luther	Peterson	Staples
Benedict	Gunderson	McCutcheon	Pillsbury	Strand
Bernhagen	Hanson	Menning	Purfeerst	Stumpf
Borden	Jensen	Merriam	Renneke	Tennessee
Brataas	Johnson	Milton	Schaaf	Ueland, A.
Chenoweth	Keefe, J.	Moe	Schmitz	Ulland, J.
Chmielewski	Keefe, S.	Nelson	Schrom	Vega
Coleman	Kirchner	Nichols	Setzepfandt	Wegener
Davies	Kleinbaum	Ogdahl	Sieloff	Willet
Dieterich	Knutson	Olhoff	Sikorski	
Dunn	Laufenburger	Olson	Sillers	
Engler	Lessard	Penny	Solon	

Mr. Stokowski voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 970: A bill for an act relating to probate; personal representatives; providing for appointment of successor representatives; amending Minnesota Statutes 1976, Section 524.3-613.

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	Engler	Lewis	Perpich	Spear
Ashbach	Frederick	Luther	Peterson	Staples
Bang	Gearty	McCutcheon	Pillsbury	Stokowski
Benedict	Gunderson	Menning	Purfeerst	Strand
Bernhagen	Hanson	Merriam	Renneke	Stumpf
Borden	Jensen	Milton	Schaaf	Tennessee
Brataas	Johnson	Moe	Schmitz	Ueland, A.
Chenoweth	Keefe, S.	Nelson	Schrom	Ulland, J.
Chmielewski	Kirchner	Nichols	Setzepfandt	Vega
Coleman	Kleinbaum	Ogdahl	Sieloff	Wegener
Davies	Knutson	Olhoff	Sikorski	Willet
Dieterich	Laufenburger	Olson	Sillers	
Dunn	Lessard	Penny	Solon	

So the bill passed and its title was agreed to.

S. F. No. 971: A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Benedict	Brataas	Coleman	Dunn
Ashbach	Bernhagen	Chenoweth	Davies	Engler
Bang	Borden	Chmielewski	Dieterich	Frederick

Gearty	Knutson	Nelson	Renneke	Staples
Gunderson	Laufenburger	Nichols	Schaaf	Stokowski
Hanson	Lessard	Ogdahl	Schmitz	Strand
Hughes	Lewis	Olhoft	Schrom	Stumpf
Jensen	Luther	Olson	Setzepfandt	Tennessee
Johnson	McCutcheon	Penny	Sieloff	Ueland, A.
Keefe, J.	Menning	Perpich	Sikorski	Ulland, J.
Keefe, S.	Merriam	Peterson	Sillers	Vega
Kirchner	Milton	Pillsbury	Solon	Wegener
Kleinbaum	Moe	Purfeerst	Spear	Willet

So the bill passed and its title was agreed to.

S. F. No. 1175: A bill for an act relating to taxation; exempting probate deeds of distribution from conveyance recording requirements; amending Minnesota Statutes 1976, Section 272.12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Olson	Sillers
Ashbach	Frederick	Lessard	Penny	Solon
Bang	Gearty	Lewis	Perpich	Spear
Benedict	Gunderson	Luther	Peterson	Staples
Bernhagen	Hanson	McCutcheon	Pillsbury	Strand
Borden	Hughes	Menning	Purfeerst	Stumpf
Brataas	Jensen	Merriam	Renneke	Tennessee
Chenoweth	Johnson	Milton	Schaaf	Ueland, A.
Chmielewski	Keefe, J.	Moe	Schmitz	Ulland, J.
Coleman	Keefe, S.	Nelson	Schrom	Vega
Davies	Kirchner	Nichols	Setzepfandt	Wegener
Dieterich	Kleinbaum	Ogdahl	Sieloff	Willet
Dunn	Knutson	Olhoft	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 1138: A bill for an act relating to probate; changing requirements for collection of personalty by affidavit; amending Minnesota Statutes 1976, Section 524.3-1201.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Hanson	Kleinbaum	Merriam
Ashbach	Davies	Hughes	Knutson	Milton
Bang	Dieterich	Humphrey	Laufenburger	Moe
Benedict	Dunn	Jensen	Lessard	Nelson
Bernhagen	Engler	Johnson	Lewis	Nichols
Borden	Frederick	Keefe, J.	Luther	Ogdahl
Brataas	Gearty	Keefe, S.	McCutcheon	Olhoft
Chenoweth	Gunderson	Kirchner	Menning	Olson

Penny	Renneke	Sieloff	Staples	Ueland, A.
Perpich	Schaaf	Sikorski	Stokowski	Ulland, J.
Peterson	Schmitz	Sillers	Strand	Vega
Pillsbury	Schrom	Solon	Stumpf	Wegener
Purfeerst	Setzepfandt	Spear	Tennessee	Willet

So the bill passed and its title was agreed to.

S. F. No. 875: A bill for an act relating to the county of Hennepin; changing duties of personnel board; providing for referral of additional eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, 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 59 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olhoff	Solon
Ashbach	Frederick	Laufenburger	Olson	Spear
Bang	Gearty	Lessard	Penny	Staples
Benedict	Gunderson	Lewis	Peterson	Strand
Bernhagen	Hanson	Luther	Pillsbury	Stumpf
Borden	Hughes	McCutcheon	Purfeerst	Tennessee
Brataas	Humphrey	Menning	Renneke	Ueland, A.
Chenoweth	Jensen	Merriam	Schmitz	Ulland, J.
Chmielewski	Johnson	Milton	Schrom	Vega
Davies	Keefe, J.	Moe	Sieloff	Wegener
Dieterich	Keefe, S.	Nelson	Sikorski	Willet
Dunn	Kleinbaum	Nichols	Sillers	

Those who voted in the negative were:

Kirchner	Perpich	Schaaf	Setzepfandt	Stokowski
Ogdahl				

So the bill passed and its title was agreed to.

S. F. No. 1310: A bill for an act relating to elections; prohibiting infiltration and sabotage of political campaigns; providing penalties; amending Minnesota Statutes 1976, Chapter 210A, by adding a section.

Mr. Dieterich moved that S. F. No. 1310, No. 16 on the Calendar, be stricken and re-referred to the committee on Judiciary. The motion prevailed.

S. F. No. 1118: A bill for an act relating to wild animals; revising certain provisions regarding placement of decoys and the erection of blinds; amending Minnesota Statutes 1976, Section 100.29, Subdivision 18.

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 26 and nays 39, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knutson	Renneke	Ulland, J.
Bernhagen	Gearty	Laufenburger	Schaaf	Wegener
Brataas	Gunderson	Penny	Schmitz	
Chmielewski	Jensen	Peterson	Schrom	
Dunn	Keefe, J.	Pillsbury	Sieloff	
Engler	Kleinbaum	Purfeerst	Ueland, A.	

Those who voted in the negative were:

Bang	Hughes	Luther	Ogdahl	Staples
Benedict	Humphrey	McCutcheon	Olhoff	Stokowski
Borden	Johnson	Menning	Perpich	Strand
Chenoweth	Keefe, S.	Merriam	Setzepfandt	Stumpf
Coleman	Kirchner	Milton	Sikorski	Tennessee
Davies	Knoll	Moe	Sillers	Vega
Dieterich	Lessard	Nelson	Solon	Willet
Hanson	Lewis	Nichols	Spear	

So the bill failed to pass.

S. F. No. 1096: A bill for an act relating to highway traffic regulations; required equipment on certain vehicles; exempting military vehicles of the United States from wheel flap requirements; amending Minnesota Statutes 1976, Section 169.733.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Peterson	Solon
Ashbach	Frederick	Lessard	Pillsbury	Staples
Bang	Gearty	Luther	Purfeerst	Stokowski
Bernhagen	Gunderson	Merriam	Renneke	Strand
Borden	Hanson	Moe	Schaaf	Tennessee
Brataas	Humphrey	Nelson	Schmitz	Ueland, A.
Chenoweth	Jensen	Nichols	Schrom	Ulland, J.
Chmielewski	Johnson	Ogdahl	Setzepfandt	Vega
Davies	Kirchner	Olhoff	Sieloff	Wegener
Dieterich	Kleinbaum	Olson	Sikorski	Willet
Dunn	Knoll	Penny	Sillers	

Those who voted in the negative were:

Coleman	Keefe, S.	McCutcheon	Milton	Spear
Hughes	Knutson	Menning	Perpich	Stumpf
Keefe, J.	Lewis			

So the bill passed and its title was agreed to.

S. F. No. 969: A bill for an act relating to probate; authorizing the court to issue interim orders; surety bonds; authorizing court to order accounting by and judgment against surety in proceedings to settle estate; amending Minnesota Statutes 1976, Sections 524.3-105; and 524.3-606.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Peterson	Stokowski
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Borden	Humphrey	Menning	Renneke	Tennessee
Brataas	Jensen	Merriam	Schaaf	Ueland, A.
Chenoweth	Johnson	Milton	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schrom	Vega
Coleman	Keefe, S.	Nelson	Setzepfandt	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olhoff	Sillers	
Engler	Knutson	Olson	Solon	

So the bill passed and its title was agreed to.

S. F. No. 973: A bill for an act relating to probate; rules of procedure; providing for probate proceedings to be governed by rules of civil procedure; amending Minnesota Statutes 1976, Chapter 524, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penny	Staples
Ashbach	Gearty	Lessard	Peterson	Stokowski
Bang	Gunderson	Lewis	Pillsbury	Strand
Benedict	Hanson	Luther	Purfeerst	Stumpf
Bernhagen	Hughes	McCutcheon	Renneke	Tennessee
Borden	Humphrey	Menning	Schaaf	Ueland, A.
Brataas	Jensen	Merriam	Schmitz	Ulland, J.
Chenoweth	Johnson	Milton	Schrom	Vega
Chmielewski	Keefe, J.	Moe	Setzepfandt	Wegener
Coleman	Keefe, S.	Nelson	Sieloff	Willet
Davies	Kirchner	Nichols	Sikorski	
Dieterich	Kleinbaum	Ogdahl	Sillers	
Dunn	Knoll	Olhoff	Solon	
Engler	Knutson	Olson	Spear	

So the bill passed and its title was agreed to.

S. F. No. 1014: A bill for an act relating to courts; authorizing the supreme court to prescribe uniform conciliation court forms; directing the clerks of conciliation courts to accept uniform complaints and counterclaims from other jurisdictions; amending Minnesota Statutes 1976, Sections 487.23, by adding a subdivision; 487.30, by adding a subdivision; 488A.14, by adding a subdivision; and 488A.31, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Penny	Spear
Ashbach	Gearty	Lewis	Perpich	Staples
Bang	Gunderson	Luther	Peterson	Stokowski
Benedict	Hanson	McCutcheon	Pillsbury	Strand
Bernhagen	Hughes	Menning	Purfeerst	Stumpf
Borden	Humphrey	Merriam	Renneke	Tennessee
Brataas	Jensen	Milton	Schaaf	Ueland, A.
Chenoweth	Johnson	Moe	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Nelson	Schrom	Vega
Davies	Keefe, S.	Nichols	Setzepfandt	Wegener
Dieterich	Kirchner	Ogdahl	Sikorski	Willet
Dunn	Kleinbaum	Olhoff	Sillers	
Engler	Knoll	Olson	Solon	

Messrs. Knutson, Laufenburger and Sieloff voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 836: A bill for an act relating to safe deposit companies; including credit unions among those businesses that may rent out safe deposit boxes without license or bond therefor; amending Minnesota Statutes 1976, Sections 52.04; and 55.06, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Perpich	Staples
Ashbach	Gearty	Lewis	Peterson	Stokowski
Bang	Gunderson	Luther	Pillsbury	Strand
Benedict	Hanson	McCutcheon	Purfeerst	Stumpf
Bernhagen	Hughes	Menning	Renneke	Tennessee
Borden	Humphrey	Merriam	Schaaf	Ueland, A.
Brataas	Jensen	Milton	Schmitz	Ulland, J.
Chenoweth	Johnson	Moe	Schrom	Vega
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Wegener
Coleman	Keefe, S.	Nichols	Sieloff	Willet
Davies	Kleinbaum	Ogdahl	Sikorski	
Dieterich	Knoll	Olhoff	Sillers	
Dunn	Knutson	Olson	Solon	
Engler	Laufenburger	Penny	Spear	

So the bill passed and its title was agreed to.

S. F. No. 1196: A bill for an act relating to aeronautics; requiring out of state airports operating under joint agreement with a Minnesota municipality to be treated as airports located in Minnesota for purposes of state and federal assistance; amending Minnesota Statutes 1976, Section 360.042, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Laufenburger	Olson	Spear
Ashbach	Frederick	Lessard	Penny	Staples
Bang	Gearty	Lewis	Perpich	Stokowski
Benedict	Hanson	Luther	Peterson	Strand
Bernhagen	Hughes	McCutcheon	Pillsbury	Stumpf
Borden	Humphrey	Menning	Purfeerst	Tennessee
Brataas	Jensen	Merriam	Renneke	Ueland, A.
Chenoweth	Johnson	Milton	Schaaf	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schmitz	Vega
Coleman	Kirchner	Nelson	Sieloff	Wegener
Davies	Kleinbaum	Nichols	Sikorski	Willet
Dieterich	Knoll	Ogdahl	Sillers	
Dunn	Knutson	Olhoft	Solon	

Messrs. Gunderson, Schrom and Setzepfandt voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 997: A bill for an act relating to civil actions; abolishing all civil causes of action for breach of promise to marry, alienation of affections, criminal conversation and seduction.

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 25, as follows:

Those who voted in the affirmative were:

Ashbach	Jensen	McCutcheon	Pillsbury	Tennessee
Benedict	Johnson	Merriam	Purfeerst	Ueland, A.
Brataas	Keefe, S.	Milton	Schaaf	Ulland, J.
Coleman	Kirchner	Moe	Setzepfandt	Vega
Davies	Kleinbaum	Nelson	Solon	Wegener
Dieterich	Laufenburger	Ogdahl	Spear	
Frederick	Lessard	Penny	Staples	
Hanson	Lewis	Perpich	Strand	
Humphrey	Luther	Peterson	Stumpf	

Those who voted in the negative were:

Anderson	Dunn	Keefe, J.	Olhoft	Sieloff
Bang	Engler	Knoll	Olson	Sikorski
Bernhagen	Gearty	Knutson	Renneke	Sillers
Chenoweth	Gunderson	Menning	Schmitz	Stokowski
Chmielewski	Hughes	Nichols	Schrom	Willet

So the bill passed and its title was agreed to.

S. F. No. 626: A bill for an act relating to taxation; providing for reduced assessment classification of certain resort property; amending Minnesota Statutes 1976, Section 273.13, Subdivisions 4 and 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Penny	Spear
Ashbach	Hanson	Lewis	Perpich	Staples
Bang	Hughes	Luther	Peterson	Stokowski
Benedict	Humphrey	McCutcheon	Pillsbury	Strand
Bernhagen	Jensen	Menning	Purfeerst	Stumpf
Brataas	Johnson	Merriam	Renneke	Tennessee
Chenoweth	Keefe, J.	Milton	Schaaf	Ulland, A.
Chmielewski	Keefe, S.	Moe	Schmitz	Ulland, J.
Coleman	Kirchner	Nelson	Schrom	Vega
Davies	Kleinbaum	Nichols	Setzepfandt	Wegener
Dunn	Knoll	Ogdahl	Sikorski	Willet
Engler	Knutson	Olhoff	Sillers	
Frederick	Laufenburger	Olson	Solon	

Messrs. Dieterich and Gunderson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 397: A bill for an act relating to the department of natural resources; providing conservation officers with the powers of peace officers; amending Minnesota Statutes 1976, Section 84.028, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 16, as follows:

Those who voted in the affirmative were :

Anderson	Gearty	Lewis	Pillsbury	Staples
Bang	Hanson	McCutcheon	Purfeerst	Stokowski
Benedict	Hughes	Merriam	Schaaf	Strand
Bernhagen	Humphrey	Milton	Schmitz	Stumpf
Chenoweth	Johnson	Nelson	Schrom	Ulland, J.
Chmielewski	Kirchner	Nichols	Setzepfandt	Wegener
Coleman	Kleinbaum	Olhoff	Sikorski	Willet
Davies	Knoll	Olson	Sillers	
Dunn	Knutson	Penny	Solon	
Engler	Laufenburger	Perpich	Spear	

Those who voted in the negative were:

Ashbach	Gunderson	Keefe, S.	Menning	Peterson
Brataas	Jensen	Lessard	Moe	Renneke
Dieterich	Keefe, J.	Luther	Ogdahl	Tennessee
Frederick				

So the bill passed and its title was agreed to.

S. F. No. 964: A bill for an act relating to labor relations; providing for the exclusion of certain positions and classes of positions in the classified and unclassified civil service of the executive branch from bargaining units; amending Minnesota Statutes 1976, Section 179.74, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Luther	Perpich	Staples
Benedict	Gunderson	McCutcheon	Peterson	Stokowski
Bernhagen	Hanson	Menning	Pillsbury	Strand
Borden	Hughes	Merriam	Purfeerst	Tennessee
Brataas	Humphrey	Milton	Schaaf	Ueland, A.
Chenoweth	Johnson	Moe	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Nelson	Schrom	Vega
Coleman	Kirchner	Nichols	Setzepfandt	Wegener
Davies	Kleinbaum	Ogdahl	Sikorski	Willet
Dieterich	Knutson	Olhoff	Sillers	
Dunn	Laufenburger	Olson	Solon	
Engler	Lessard	Penny	Spear	

Those who voted in the negative were:

Ashbach	Jensen	Keefe, S.	Renneke	Stumpf
Bang				

So the bill passed and its title was agreed to.

S. F. No. 1127: A bill for an act relating to political subdivisions; authorizing assignments to secure payment of certain loans; amending Minnesota Statutes 1976, Section 465.73.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Perpich	Solon
Ashbach	Gunderson	Lessard	Peterson	Spear
Bang	Hanson	Lewis	Pillsbury	Staples
Bernhagen	Hughes	Luther	Purfeerst	Strand
Brataas	Humphrey	Menning	Renneke	Stumpf
Chenoweth	Jensen	Merriam	Schaaf	Tennessee
Chmielewski	Johnson	Moe	Schmitz	Ueland, A.
Coleman	Keefe, J.	Nelson	Schrom	Ulland, J.
Davies	Kirchner	Nichols	Setzepfandt	Vega
Dieterich	Kleinbaum	Ogdahl	Sieloff	Wegener
Dunn	Knoll	Olson	Sikorski	Willet
Engler	Knutson	Penny	Sillers	

Mr. Keefe, S. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 975: A bill for an act relating to counties; authorizing appointment of county administrators and executive secretaries without referendum; amending Minnesota Statutes 1976, Sections 375.48, Subdivision 1; and 375A.06, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Knutson	Olson	Sillers
Bang	Hanson	Laufenburger	Penny	Spear
Bernhagen	Hughes	Lessard	Pillsbury	Staples
Borden	Humphrey	Menning	Purfeerst	Strand
Brataas	Jensen	Merriam	Renneke	Stumpf
Chenoweth	Keefe, J.	Moe	Schaaf	Ueland, A.
Chmielewski	Keefe, S.	Nelson	Schmitz	Ulland, J.
Davies	Kirchner	Nichols	Setzepfandt	Vega
Dunn	Kleinbaum	Ogdahl	Sieloff	Wegener
Gearty	Knoll	Olhoft	Sikorski	Willet

Those who voted in the negative were:

Coleman	Johnson	Luther	Peterson	Solon
Dieterich	Lewis	Perpich	Schrom	Tennessee
Engler				

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S. F. No. 1022: A bill for an act relating to the county of Dakota; providing for sheriff's civil service commissioners.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Solon
Ashbach	Gunderson	Laufenburger	Perpich	Staples
Bang	Hanson	Lessard	Peterson	Stokowski
Benedict	Hughes	Lewis	Pillsbury	Strand
Bernhagen	Jensen	Luther	Purfeerst	Stumpf
Brataas	Johnson	Menning	Renneke	Tennessee
Chenoweth	Keefe, J.	Merriam	Schaaf	Ueland, A.
Chmielewski	Keefe, S.	Moe	Schrom	Ulland, J.
Davies	Kirchner	Nelson	Sieloff	Vega
Dunn	Kleinbaum	Nichols	Sikorski	Wegener
Engler	Knoll	Ogdahl	Sillers	Willet

Messrs. Olhoft and Penny voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1369: A bill for an act relating to the cities of St. Paul, Minneapolis, and Duluth; firemen's survivor benefits; amending Laws 1955, Chapter 375, Section 25, as amended; Laws 1965, Chapter 519, Section 1, as amended; and Laws 1975, Chapter 127, Section 2, as amended.

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 56 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Lessard	Purfeerst	Strand
Bang	Gunderson	Lewis	Renneke	Stumpf
Benedict	Hanson	Luther	Schaaf	Tennessee
Bernhagen	Hughes	Menning	Schmitz	Ueland, A.
Brataas	Jensen	Moe	Schrom	Ulland, J.
Chenoweth	Johnson	Nelson	Sieloff	Vega
Chmielewski	Keefe, J.	Nichols	Sikorski	Wegener
Davies	Keefe, S.	Ogdahl	Sillers	Willet
Dieterich	Kirchner	Olhoft	Solon	
Dunn	Kleinbaum	Olson	Spear	
Engler	Knoll	Penny	Staples	
Frederick	Laufenburger	Pillsbury	Stokowski	

Those who voted in the negative were:

Anderson	Knutson	Perpich	Peterson	Setzepfandt
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So the bill passed and its title was agreed to.

S. F. No. 1382: A bill for an act relating to the city of St. Paul; providing that the employees of the housing and redevelopment authority of the city of St. Paul may remain employees of the authority or become employees of the city as the governing body of the city may determine; amending Laws 1976, Chapter 234, Section 4, Subdivision 4, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Lewis	Pillsbury	Stokowski
Bang	Hanson	Luther	Purfeerst	Strand
Benedict	Hughes	Menning	Renneke	Stumpf
Bernhagen	Jensen	Merriam	Schaaf	Tennessee
Brataas	Johnson	Moe	Schmitz	Ueland, A.
Chenoweth	Keefe, J.	Nelson	Schrom	Ulland, J.
Chmielewski	Keefe, S.	Nichols	Setzepfandt	Vega
Davies	Kirchner	Ogdahl	Sieloff	Wegener
Dieterich	Kleinbaum	Olhoft	Sikorski	Willet
Dunn	Knoll	Olson	Sillers	
Engler	Knutson	Penny	Solon	
Frederick	Laufenburger	Perpich	Spear	
Gearty	Lessard	Peterson	Staples	

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 S. F. No. 176 a Special Order to be heard immediately.

S. F. No. 176: A bill for an act allowing money in the state treasury not currently needed to be invested in the local government pooled investment fund; establishing and setting forth procedures for a state investment pool for local government funds; amending Minnesota Statutes 1976, Section 11.10, Subdivision 1; and Chapter 11, by adding sections.

Mr. Schaaf moved to amend S. F. No. 176 as follows:

Page 4, line 11, after "officials" insert ", if authorized by resolution of the governing body of the local governmental unit,"

The motion prevailed. So the amendment was adopted.

S. F. No. 176 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 20 and nays 38, as follows:

Those who voted in the affirmative were:

Borden	Gunderson	Knoll	Nichols	Staples
Coleman	Johnson	Luther	Perpich	Stumpf
Dieterich	Keefe, S.	Merriam	Schaaf	Ulland, J.
Gearty	Kleinbaum	Milton	Spear	Vega

Those who voted in the negative were:

Anderson	Frederick	Lessard	Peterson	Sillers
Ashbach	Hanson	Menning	Pillsbury	Solon
Bang	Hughes	Moe	Purfeerst	Stokowski
Bernhagen	Jensen	Nelson	Renneke	Strand
Brataas	Keefe, J.	Ogdahl	Schmitz	Wegener
Chmielewski	Kirchner	Olhoft	Schrom	Willet
Dunn	Knutson	Olson	Setzepfandt	
Engler	Laufenburger	Penny	Sikorski	

So the bill, as amended, failed to pass.

NOTICE OF RECONSIDERATION

Mr. Sikorski gave notice of intention to move for reconsideration of S. F. No. 176.

Without objection, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills and Messages from the House.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Mr. Moe, for the Committee on Finance, introduced—

S. F. No. 1489: A bill for an act relating to the organization and operation of state government; appropriating money for maintenance of various semi-state activities and for other purposes; amending Minnesota Statutes 1976, Sections 139.08, Subdivision

5; 139.10, by adding a subdivision; 343.08; 343.12; 346.216; Chapter 139, by adding sections; repealing Minnesota Statutes 1976, Sections 343.02; and 343.03.

Under the rules of the Senate, laid over one day.

Mr. Moe, for the Committee on Finance, introduced—

S. F. No. 1490: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes; amending Minnesota Statutes 1976, Sections 219.40; and 299D.03, Subdivision 5; repealing Minnesota Statutes 1976, Sections 161.50; and 219.401.

Under the rules of the Senate, laid over one day.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 231.

H. F. No. 231: A bill for an act relating to transportation, particular uses of highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Jude, Fudro, and Wigley have been appointed as such committee on the part of the House.

House File No. 231 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 April 28, 1977

Mr. Lewis moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 231, 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.

RECESS

Mr. Coleman moved that the Senate do now recess until 12:40 o'clock p. m. The motion prevailed.

The hour of 12:40 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:

Bernhagen	Hanson	Luther	Schaaf	Tennessee
Borden	Hughes	Menning	Schmitz	Ulland, J.
Chmielewski	Humphrey	Moe	Schrom	Vega
Coleman	Johnson	Nelson	Setzepfandt	Willet
Davies	Keefe, S.	Nichols	Sikorski	
Dieterich	Kirchner	Penny	Spear	
Dunn	Laufenburger	Peterson	Strand	
Gearty	Lewis	Pillsbury	Stumpf	

The Sergeant at Arms was instructed to bring in the absent members.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 1093, 143, 1234, 767 and 1116 which the committee recommends to pass.

S. F. No. 109, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 3, line 6, after the period insert "*Effective on and after July 1, 1983, a commissioner may only be removed for cause after notice and hearing.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Lessard	Peterson	Strand
Ashbach	Dunn	Luther	Pillsbury	Stumpf
Bang	Engler	Menning	Renneke	Tennessee
Bernhagen	Gunderson	Merriam	Schmitz	Ueland, A.
Brataas	Hughes	Nelson	Setzepfandt	Ulland, J.
Chmielewski	Kirchner	Nichols	Sikorski	Vega
Coleman	Knoll	Ogdahl	Sillers	
Davies	Knutson	Penny	Staples	

Those who voted in the negative were:

Benedict	Gearty	Johnson	Lewis	Spear
Borden	Hanson	Keefe, S.	Schaaf	Willet
Frederick	Humphrey	Laufenburger	Schrom	

The motion prevailed. So the amendment was adopted.

Mr. Hughes moved to amend S. F. No. 109 as follows:

Page 31, line 14, after "*by the*" insert "*board with the approval of the*"

Page 31, line 14, after "*section 1*" insert "*, with the advice and consent of the senate*"

Page 31, line 14, after the period, insert *"For purposes of section 1, the board of education shall be the appointing authority."*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 29, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Knutson	Pillsbury	Strand
Bang	Engler	Nelson	Renneke	Stumpf
Bernhagen	Frederick	Ogdahl	Schmitz	Ulland, J.
Brataas	Hughes	Olhoft	Schrom	
Chmielewski	Kirchner	Penny	Sillers	

Those who voted in the negative were:

Anderson	Gearty	Laufenburger	Milton	Spear
Benedict	Humphrey	Lessard	Nichols	Staples
Borden	Johnson	Lewis	Peterson	Tennessee
Coleman	Keefe, J.	Luther	Schaaf	Vega
Davies	Keefe, S.	Menning	Setzepfandt	Willet
Dieterich	Knoll	Merriam	Sikorski	

The motion did not prevail. So the amendment was not adopted.

S. F. No. 695, which the committee recommends to pass with the following amendments offered by Messrs. Stumpf and Stokowski:

Mr. Stumpf moved to amend S. F. No. 695 as follows:

Page 1, line 12, strike *"may"* and insert *"shall"*

Mr. Stokowski moved to amend S. F. No. 695 as follows:

Amend the title as follows:

Page 1, line 2, strike *"authorizing"* and insert *"relating to the Como Park zoo; requiring"*

S. F. No. 1302, which the committee recommends to pass with the following amendment offered by Mr. Peterson:

Page 7, after line 20, insert

"Sec. 7. The commissioner of transportation shall take no action pursuant to this act which will result in the loss of federal aid for highway construction in this state."

Page 7, line 31, strike *"7"* and insert *"8"*

Page 8, line 1, strike *"; provided that"* and insert a period

Page 8, strike lines 2 to 4

Renumber the sections in sequence

S. F. No. 324, which the committee recommends to pass with the following amendment offered by Mr. Schaaf:

Page 2, line 10, strike *"Non-qualification certificate"* and insert *"Minnesota identification card"*

Page 3, line 25, strike "nonqualification"

Page 3, line 26, before the period, strike "certificate" and insert "*Minnesota identification card*"

Page 3, line 26, after "The" strike "certificate" and insert "*card*"

Page 3, line 32, strike "nonqualification certificate" and insert "*Minnesota identification card*"

Page 4, after line 2, insert

"Sec. 5. Minnesota Statutes 1976, Section 171.07, Subdivision 4, is amended to read:

Subd. 4. The expiration date of each ~~nonqualification certificate~~ *Minnesota identification cards* of applicants under the age of 65 shall be the birthday of the applicant in the fourth year following the date of issuance of the ~~nonqualification certificate card~~. ~~Nonqualification certificates~~ *Minnesota identification cards* issued to applicants age 65 or over shall be valid for the lifetime of the applicant.

Sec. 6. Minnesota Statutes 1976, Section 171.07, Subdivision 5, is amended to read:

Subd. 5. The department may provide a donor document to each person making application for a driver's license or a ~~non-qualification certificate~~ *Minnesota identification card* whereby any such person, 18 years of age or more, may execute an anatomical gift, pursuant to the provisions of the uniform anatomical gift act, sections 525.921 to 525.93. The commissioner of public safety shall prescribe the form of the donor document. The donor document must be signed by the donor in the presence of two witnesses who must sign the donor document in the donor's presence. If the donor cannot sign, the donor document may be signed for the donor at the donor's direction, in the donor's presence, and in the presence of two witnesses who must sign the donor document in the donor's presence. The department shall identify donors of anatomical gifts by the designation "donor" on the front side of the donor's driver's license or ~~nonqualification certificate~~ *identification card*. The designation "donor" shall constitute sufficient legal authority for the removal of all body organs or parts upon death of the donor for the purpose of transplantation and the designation shall be removed only upon written notice to the department. No designation may be noted upon the driver's license or ~~nonqualification certificate~~ *identification card* of any person under 18. Delivery of the license or ~~nonqualification certificate~~ *identification card* during the donor's lifetime is not necessary to make the gift valid."

Amend the title as follows:

Line 4, strike "non-qualification certificates" and insert "*Minnesota identification cards*"

Line 7, strike "Subdivision 3" and insert "Subdivisions 3, 4, and 5"

S. F. No. 1140, which the committee recommends to pass with the following amendments offered by Mr. Schrom:

Mr. Schrom moved to amend S. F. No. 1140 as follows:

Page 3, line 24, after the period, insert: “ *“Custom processor” shall not include a person who slaughters animals or poultry and/or processes meat for the owner of the animals or poultry on the farm or premises of the owner of such animals, meat or poultry.*”

Page 5, after line 28, insert:

“Sec. 4 [EFFECTIVE DATE.] *This act is effective the day following final enactment.*”

Mr. Schrom then moved to amend S. F. No. 1140 as follows:

Page 3, line 21, strike “*or poultry and/*”

Page 3, line 22, strike “*or poultry*”

Page 3, line 23, strike “*or poultry*”

Page 3, line 24, after the period insert “*For the purpose of this clause, “animals” or “meat” do not include poultry or game animals or meat derived therefrom.*”

S. F. No. 1208, which the committee recommends to pass with the following amendment offered by Mr. Milton:

Page 2, line 11, strike “*except by reason of*”

Page 2, line 12, strike “*intoxication*”

S. F. No. 297, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 2, line 18, strike “*No*”

Page 2, strike lines 19 and 20

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

SUSPENSION OF RULES

Mr. Moe moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S. F. No. 1489 and that the rules of the Senate be so far suspended as to give S. F. No. 1489 its second reading and be referred to the Subcommittee on Bill Scheduling. The motion prevailed.

S. F. No. 1489 was read the second time.

SUSPENSION OF RULES

Mr. Moe moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota,

with respect to S. F. No. 1490 and that the rules of the Senate be so far suspended as to give S. F. No. 1490 its second reading and be referred to the Subcommittee on Bill Scheduling. The motion prevailed.

S. F. No. 1490 was read the second time.

Mr. Coleman moved that his name be stricken as co-author and the name of Mr. Dieterich be added as co-author to S. F. No. 695. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess until 7:00 o'clock p.m. The motion prevailed.

The hour of 7:00 o'clock p.m. having arrived, the President called the Senate to order.

MEMBERS EXCUSED

Mr. Gunderson was excused from this evening's Session.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Johnson	Nichols	Purfeerst	Stokowski
Borden	Kirchner	Ogdahl	Renneke	Strand
Coleman	Knoll	Olhoft	Schmitz	Stumpf
Engler	Laufenburger	Olson	Schrom	Tennessen
Gearty	Lewis	Penny	Setzepfandt	Vega
Hanson	Luther	Perpich	Sieloff	Wegener
Hughes	Menning	Peterson	Sikorski	Willet
Jensen	Nelson	Pillsbury	Staples	

The Sergeant-at-Arms was instructed to bring in the absent members.

Pursuant to Rule 21, Mr. Strand moved that the following members be excused for a meeting of the Legislative Commission on Pensions and Retirement:

Messrs. Stokowski, Strand, Peterson, Renneke and Ogdahl.

The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to the Order of Business of Messages from the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

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. 305, 855, 1039 and 1331:

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 28, 1977

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. 10: A bill for an act relating to cities; providing for the establishment of tourist information centers; authorizing payments of expenses of governing officers in certain cases; amending Minnesota Statutes 1976, Sections 465.53 and 465.54.

Senate File No. 10 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 28, 1977

CONCURRENCE AND REPASSAGE

Mr. Johnson moved that the Senate concur in the amendments by the House to S. F. No. 10 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 10 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Stumpf
Ashbach	Gearty	Lewis	Pillsbury	Tennessee
Bernhagen	Hanson	Luther	Purfeerst	Ueland, A.
Brataas	Hughes	Menning	Schmitz	Vega
Chenoweth	Jensen	Nelson	Schrom	Wegener
Coleman	Johnson	Nichols	Setzepfandt	Willet
Davies	Keefe, S.	Olhoft	Sieloff	
Dunn	Kirchner	Olson	Sikorski	
Engler	Knoll	Penny	Staples	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on H. F. No. 301 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 301: A bill for an act relating to veterans; establishing a deadline for entering military service and becoming eligible for veterans preference; redefining the term "veteran" for certain

other purposes; amending Minnesota Statutes 1976, Sections 43.30 and 197.447.

H. F. No. 301 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 28, 1977

CONFERENCE COMMITTEE REPORT ON H. F. NO. 301

A bill for an act relating to veterans; establishing a deadline for entering military service and becoming eligible for veterans preference; redefining the term "veteran" for certain other purposes; amending Minnesota Statutes 1976, Sections 43.30 and 197.447.

April 26, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 301 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Richard Kostohryz, Bruce Nelsen, Paul McCarron

Senate Conferees: (Signed) Roger Laufenburger, Mel Frederick, Collin Peterson

Mr. Laufenburger moved that the foregoing recommendations and Conference Committee Report on H. F. No. 301 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 301 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 43 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Perpich	Staples
Ashbach	Gearty	Lewis	Pillsbury	Stumpf
Bang	Hanson	Luther	Purfeerst	Tennessen
Bernhagen	Hughes	Menning	Schmitz	Ueland, A.
Brataas	Jensen	Nelson	Schrom	Vega
Chenoweth	Johnson	Nichols	Setzepfandt	Wegener
Coleman	Kirchner	Olhoft	Sieloff	Willet
Davies	Knoll	Olson	Sikoraki	
Engler	Laufenburger	Penny	Solon	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce 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. 1416: A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes, including appropriations for the departments of public welfare, vocational rehabilitation, corrections, corrections ombudsman, health, health related boards, and public assistance programs; and repealing Minnesota Statutes 1976, Section 261.233.

Senate File No. 1416 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1977

Mr. Coleman moved that S. F. No. 1416 be laid on the table. 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. 1510.

H. F. No. 1510: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

And the House respectfully requests that a Conference Committee of five members be appointed thereon:

Farcy; Sieben, M.; Enebo; Searle and Dean have been appointed as such committee on the part of the House.

House File No. 1510 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 April 28, 1977

Mr. Coleman moved that S. F. No. 1510 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File herewith transmitted:

H. F. No. 351.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 28, 1977

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H. F. No. 351: A bill for an act relating to historic sites; providing for the administration and control of additional sites by the Minnesota historical society; amending Minnesota Statutes 1976, Section 138.025, by adding subdivisions.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk, with the exception of the report from the Subcommittee on Bill Scheduling be now adopted. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 662: A bill for an act relating to welfare; child support; authorizing additional procedures in collection of support payments; updating uniform reciprocal enforcement of support act; amending Minnesota Statutes 1976, Sections 256.87, Subdivision 1; 256.872; 256.873; 257.253; 257.254; 257.257; 257.259; 257.261, Subdivision 1; 257.29; 393.07, Subdivision 9; 393.11; 487.19, Subdivision 1; 518.41; 518.42, Subdivisions 2, 5, 7, 8, 9, and by adding subdivisions; 518.45, Subdivisions 2, 4 and 5; 518.46, Subdivisions 2, 3 and 4; 518.48; 518.49; 518.551; and Chapter 518, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 25 and 26, strike "such" and insert "the"

Page 2, lines 1, 3, 4, 5, 7, 10, and 14, strike "such" and insert "the"

Page 2, line 6, strike the first "such" and insert "the"

Page 2, line 6, strike the second "such" and insert "any"

Page 2, line 12, strike the first and second "such" and insert "the"

Page 2, line 19, strike "continue only as long as" and insert "be effective only for the period of time during which"

Page 7, line 15, strike "Notwithstanding any law to the contrary,"

Page 7, line 17, strike "enter into written agreements" and insert "contract"

Page 7, line 18, after the second "the" insert "county welfare"

Page 7, line 19, strike the first "and" and insert "actions,"

Page 7, line 21, strike "such" and insert "the"

Page 7, line 23, after "The" insert "contract may specify that the"

Page 7, line 23, strike "may" and insert "shall"

Page 9, line 6, after "otherwise" insert a comma

Page 9, lines 19 and 20, strike "including" and insert "or"

Page 9, line 20, after "owed" insert a comma

Page 9, line 27, strike "a subdivision" and insert "subdivisions"

Page 9, strike lines 31 and 32

Page 10, strike lines 1 to 15

Page 10, line 16, strike "14" and insert "11"

Page 14, line 31, strike "REGISTRATION" and insert "FILING"

Page 15, line 1, strike "subdivisions 1 to 6" and insert "this section"

Page 15, line 3, strike "REGISTRATION" and insert "FILING"

Page 15, line 3, strike "register" and insert "file"

Page 15, line 6, strike "subdivision 6" and insert "this section"

Page 15, strike lines 7 to 10

Renumber the subdivisions in sequence

Page 15, line 11, after "If" insert "a court of"

Page 15, line 12, strike "is acting either as a rendering or a registering state" and insert "has issued a support order or a support order has been filed in a court of this state for an obligee,"

Page 15, line 15, strike "subdivisions" and insert "this section"

Page 15, line 16, strike "1 to 6"

Page 15, line 17, strike "REGISTRATION" and insert "FILING"

Page 15, line 18, strike "*register*" and insert "*file*"

Page 15, line 32, strike "*in the registry*" and insert a period

Page 16, strike lines 1 and 2

Page 16, line 3, strike "*registration*" and insert "*filing*"

Page 16, line 5, strike "*registration*" and insert "*filing*"

Page 16, line 6, strike "*registered*" and insert "*filed*"

Page 16, line 10, strike "REGISTRATION" and insert "FILING"

Page 16, line 11, strike "*registration*" and insert "*filing*"

Page 16, line 11, strike "*registered*"

Page 16, line 16, after "*of*" insert "*a court of*"

Page 16, line 19, strike "*registration*" and insert "*filing*"

Page 16, line 20, strike "*registration*" and insert "*filing*"

Page 16, line 21, strike "*registered*" and insert "*filed*"

Page 16, line 22, after "(3)" insert "*If*"

Page 16, line 22, strike the first "*the*" and insert "*any*"

Page 16, line 22, strike "*registered*" and insert "*filed*"

Page 16, line 23, strike "*may present only matters that would be*"

Page 16, strike lines 24 to 31

Page 16, line 32, strike "*rendering state. If he*"

Page 17, line 1, after the second "*of*" insert "*a court of*"

Page 17, line 2, after "*stayed*" insert a comma

Page 17, line 5, after "*of*" insert "*a court of*"

Page 17, line 26, strike "*In such cases*" and insert "*After receipt of the notice*"

Page 17, line 30, strike "*a court order for custody, child*" and insert "*the order for judgment and decree in the proceeding.*"

Page 17, strike lines 31 and 32 and insert:

"If the court finds in a dissolution proceeding before issuing the order for judgment and decree that notification has not been given to the agency responsible for the welfare payments, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency has made its recommendations. In those proceedings in which no notification has been made and the agency determines that the judgment is not proper and adequate for the care and support of the child or children, it may petition the court for a redetermination of the support payments ordered."

Page 18, strike lines 1 to 4

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 157: A bill for an act relating to elections; providing for payment of costs of certain special elections; imposing duties on the secretary of state; appropriating money; amending Minnesota Statutes 1976, Section 204A.24.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, strike line 21 and insert:

“\$330,000” “-0-” “-0-”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 65: A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2, and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

Reports the same back with the recommendation that the bill be amended as follows:

Page 65, after line 12, insert:

"Sec. 100. [APPROPRIATION.] The sums set forth in this section are appropriated from the general fund to the supreme court for increased costs of general operation and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.

1978	1979
\$37,500	\$37,500"

Renumber the remaining section

Amend the title in line 8 after the semicolon by inserting "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1019: A bill for an act relating to the city of Moorhead; authorizing taxes in excess of levy limitations for support of the arts.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "LEVY.]" insert "Subdivision 1."

Page 1, after line 12, insert:

"Subd. 2. The additional levy provided for in this section may be made unless, within 30 days following publication of notice of a resolution of the governing body of the city of Moorhead, five percent or more of the registered voters of the city who voted at its last general election sign a petition demanding a referendum on the issue, and submit the petition to the governing body of the city."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 210: A bill for an act relating to taxation; altering procedure for obtaining refunds of tax on gasoline or special fuels not used in motor vehicles or for aviation purposes; appropriating money; amending Minnesota Statutes 1976, Sections 290.06, by adding a subdivision; and 296.18, Subdivisions 1, 1a, 2, and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after the period insert: *"If the amount of the credit for which the taxpayer is eligible pursuant to this subdivision exceeds the income tax due from him pursuant to chapter 290 in the taxable year, or if there is no income tax due from him that year, the amount of the credit not used as an offset against income tax shall be paid to the claimant in the same manner as a refund for overpayment of income tax."*

Page 5, line 27, strike "1976" and insert "1977"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 341: A bill for an act relating to taxation; providing for a credit against income tax for the cost of care for certain dependents; appropriating money; amending Minnesota Statutes 1976, Chapter 290, by adding a section; repealing Minnesota Statutes 1976, Section 290.09, Subdivision 26.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, strike lines 13 to 23 and insert:

"[AMOUNT OF CREDIT.] A taxpayer may take as a credit against the tax due from him and his spouse, if any, under chapter 290 an amount equal to 50 percent of the dependent care credit for which he is eligible pursuant to the provisions of section 44A of the Internal Revenue Code of 1954, as amended through December 31, 1976, subject to the limitations provided in subdivision 2.

Subd. 2. [LIMITATIONS.] The credit for expenses incurred for the care of each dependent shall not exceed \$150 in any taxable year, and the total credit for all dependents of a claimant shall not exceed \$300 in a taxable year. The total credit shall be reduced by five percent of the amount by which the combined federal adjusted gross income of the claimant and his spouse, if any, exceeds \$15,000 which is used for purposes of computing the credit under section 44A of the Internal Revenue Code of 1954, as amended through December 31, 1976. A married claimant shall file his income tax return for the year for which he claims the credit either jointly or separately on one form with his spouse. In the case of a married claimant only one spouse may claim the credit. No expense for which a medical expense deduction is claimed pursuant to section 290.09, subdivision 10, shall be claimed as a dependent care expense."

Renumber the subdivisions in sequence

Page 2, strike lines 1 to 32

Page 3, strike lines 1 to 27

Page 4, line 5, strike "Subd. 6." and insert "Sec. 2."

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 158: A bill for an act relating to counties; payments in lieu of taxes on certain tax exempt land; appropriating funds.

Reports the same back with the recommendation that the bill be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [PAYMENTS IN LIEU OF TAXES ON CERTAIN TAX EXEMPT LANDS.] *Subdivision 1. As used in this section “tax exempt land” means tax-forfeited land within the state which is owned by the state and administered by the county in which located.*

Subd. 2. There is annually appropriated from the general fund to the commissioner of revenue for payment to the several counties within the state an amount equal to 75 cents per acre multiplied by the number of acres of tax exempt land situated in each county as of July 1 of each year. Each county auditor shall certify to the department of revenue during July in 1977 and each subsequent year the number of acres of tax exempt land within his county. The commissioner of revenue may, in addition to the certification of acreage, require descriptive lists of land so certified.

Subd. 3. Payments to the counties shall be made during the month of January of the year next following certification.

Subd. 4. Of the amount paid to any county, 7.5 cents shall be paid to each organized township within the county for each acre of tax exempt land in the township; 50 percent of the amount paid to the county shall be apportioned to the tax forfeited land fund of the county for use in resource development, forest management, game and fish habitat improvement, and recreational development and maintenance. The balance of funds received shall remain in the county general revenue fund to be used to provide property tax levy reduction.

Sec. 2. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.139] [REDUCED ASSESSMENT PROPERTY AID.]
Subdivision 1. Each county government, city, township, special taxing district, and each school district which levied ad valorem taxes payable in 1978 shall receive reimbursement in 1978 and subsequent years for the difference between the tax determined pursuant to subdivision 2, clause (a) and that payable on the value assessed pursuant to Minnesota Statutes, Section 273.15. Subdivision 17 or 17b, on structures used as housing for the elderly or for low and moderate income families and on structures financed by farmers home administration loans and that

payable on the value assessed on class 3cc property pursuant to section 273.13, subdivision 7.

Subd. 2. (a) The county auditor shall calculate the tax on the property described in subdivision 1 in the same manner as the property would be assessed if it did not qualify for the reduced valuation provided for in Minnesota Statutes, Section 273.13, Subdivision 7, 17 or 17b.

(b) The difference between the amount calculated pursuant to clause (a) and the amount of tax actually payable by the owner on such property pursuant to Minnesota Statutes, Section 273.13, Subdivisions 7, 17 or 17b shall be distributed to the taxing districts by the commissioner of revenue in the same proportion that the ad valorem tax on the property is distributed. He shall make payment directly to the affected taxing districts on July 15 of each year, commencing in 1978.

Subd. 3. The county auditor shall enter on the abstract of assessment of real property the assessed value of the affected property computed pursuant to subdivision 2, clause (a), which value shall be the basis of computing the distribution of school aids.

Sec. 3. Minnesota Statutes 1976, Section 273.13, Subdivision 17b, is amended to read:

Subd. 17b. [VALUATION OF FARMERS HOME ADMINISTRATION PROPERTY IN MUNICIPALITIES OF UNDER 10,000.] Notwithstanding any other provision of law, any structure

(a) situated on real property that is used for housing for the elderly or for low and moderate income families as defined by the farmers home administration,

(b) located in a municipality of less than 10,000 population,

(c) financed by a direct loan or insured loan from the farmers home administration, and

(d) which qualifies under subdivision 17a, shall, for 15 years from the date of the completion of the original construction or for the original term of the loan, be assessed at five percent of the adjusted market value thereof, provided that the fair market value as determined by the assessor is based on the normal approach to value using normal unrestricted rents. *The five percent assessment rate shall apply only to structures which qualify for that rate and pay taxes accordingly in 1978 or previous years. Structures which initially qualify for assessment and pay taxes under this subdivision in years subsequent to 1978 shall be assessed at 20 percent of their adjusted market value.*

Sec. 4. Minnesota Statutes 1976, Section 275.51, is amended by adding a subdivision to read:

Subd. 3d. The property tax levy limitation for governmental subdivisions in 1977 payable in 1978 shall be calculated as follows:

(a) *In cities and townships, the sum of the levy limit base computed pursuant to subdivision 3c, plus any increases authorized by section 275.52, subdivision 4, shall be determined. This sum shall be divided by the population of the city or township as determined in accordance with section 275.53 for calendar year 1976. The resultant quotient shall be increased pursuant to section 275.52, subdivision 2, to derive the levy limit base per capita for the city or town for taxes levied in 1977 payable in 1978.*

(b) *In the case of counties, the levy limit base computed pursuant to subdivision 3c, plus any increases authorized by section 275.52, subdivision 4, shall be divided by the population of the county for calendar year 1977 as determined pursuant to section 275.53. The resultant quotient shall be increased pursuant to section 275.52, subdivision 2, to derive the levy limit base per capita for the county for taxes levied in 1977 payable in 1978.*

(c) *In all governmental subdivisions the levy limit base per capita for 1977 payable 1978 shall be multiplied by the population of the governmental subdivision as determined pursuant to section 275.53, for calendar year 1977. This is the levy limit base for 1977 taxes payable in 1978.*

The levy limit base shall be reduced by the full amount of: state formula aids to be paid in 1978 pursuant to section 477A.01; taconite aids to be paid in 1978 pursuant to sections 294.26, 298.26, 298.28, subdivisions 1 and 1a, 298.281, subdivision 1, 298.282, and 298.32 and Laws 1975, Chapter 437, Article 11; payments in lieu of taxes on tax exempt land made to townships and to the county general fund pursuant to section 1; and payments made pursuant to section 2 as compensation to taxing districts for reduced assessment property. The resulting figure is the amount of property taxes which a governmental subdivision may levy in 1977 payable in 1978 for all purposes other than those for which special levies and special assessments are made.

Sec. 5. Minnesota Statutes 1976, Section 276.04, is amended to read:

276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.] On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to taxpayers statements of their personal property taxes due,

such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than May 15; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. *The statement shall also contain the reductions attributable to the aids given pursuant to sections 1 and 2.* The statement shall also include the base tax as defined in section 273.011, subdivision 4, for qualified property as defined in section 273.011 for which the credit provided for in section 273.012 is claimed. The statement shall show the amount attributable to section 273.132 as "state paid agricultural credit" and the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit" *and shall indicate that the reduction attributable to aids given pursuant to sections 1 and 2 is given by the state of Minnesota.* The commissioner of revenue shall provide each county auditor with the names of those persons in the assessor's district who have filed and qualified for the property tax credit pursuant to sections 273.011 and 273.012 and shall inform the assessor of the base tax of those persons. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

Sec. 6. [APPROPRIATION.] *A sum sufficient to make the distributions provided in section 2 shall be annually appropriated from the general fund to the commissioner of revenue."*

Further, amend the title as follows:

Line 2, strike "counties" and insert "taxation"

Line 3, after the semicolon insert "providing for state reimbursement of taxing districts for tax reductions on Title II, farmers home administration, and class 3cc property;"

Line 3, after "funds" insert "; amending Minnesota Statutes 1976, Sections 273.13, Subdivision 17b; 275.51, by adding a subdivision; 276.04; and Chapter 273, by adding a section"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 1179, 1297, 1106, 1168, 1309, 797, 1018, 784, 698, 481, 913, 912, 808, 1086, 1068, 823, 1082, 1423, 1051, 1410, 1336, 962, 645, 1293, 646, 1362, 1349, 943, 1029, 627, 1334 and H. F. No. 326 makes the following report:

That S. F. Nos. 1179, 1297, 1168, 1309, 797, 1018, 698, 481, 913, 912, 808, 1086, 1068, 823, 1082, 1423, 1051, 1410, 1336, 962, 645, 1293, 646, 1362, 1349, 943, 1029, 627 and H. F. No. 326 be placed on the General Orders Calendar in the order indicated.

That S. F. No. 1106 be re-referred to the Committee on Agriculture and Natural Resources.

That S. F. No. 784 be re-referred to the Committee on Judiciary.

That S. F. No. 1334 be re-referred to the Committee on Finance.

That there were no other bills before the subcommittee on which floor action was requested.

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

CALL OF THE SENATE

Mr. Davies imposed a call of the Senate. The following Senators answered to their names:

Ashbach	Frederick	Kleinbaum	Penny	Sikorski
Benedict	Gearty	Knoll	Perpich	Staples
Borden	Hanson	Laufenburger	Pillsbury	Stumpf
Brataas	Hughes	Lessard	Purfeerst	Tennessee
Chenoweth	Humphrey	Lewis	Schaaf	Ueland, A.
Coleman	Jensen	Luther	Schmitz	Ulland, J.
Davies	Johnson	Menning	Schrom	Vega
Dieterich	Keefe, S.	Nichols	Setzepfandt	Wegener
Engler	Kirchner	Olhoff	Sieloff	Willet

The Sergeant at Arms was instructed to bring in the absent members.

SECOND READING OF SENATE BILLS

S. F. Nos. 662, 157, 65, 1019, 210, 341 and 158 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1077 a Special Order to be heard immediately.

S. F. No. 1077: A bill for act relating to the organization and operation of state government; creating a crime control planning board to supersede the governor's commission on crime prevention and control; requiring a statewide comprehensive plan for law enforcement and criminal justice administration; empowering the board to make grants to governmental agencies; designating the board as the state planning agency for purposes of federal legislation; prescribing other powers and duties; requiring annual reports; creating regional crime control advisory councils; requiring the preparation of regional plans; appropriating money.

Mr. Borden moved to amend S. F. No. 1077 as follows:

Page 2, line 27, strike "(1)"

Page 2, line 30, strike "(2)"

Page 2, line 31, strike "(3)"

Page 3, line 31, strike "He" and insert "The chairman"

Page 3, line 32, strike "and" and insert a comma

Page 4, line 1, strike ". He" and insert a comma

Page 4, line 1, after "and" insert "shall"

Page 4, line 14, strike "hereinafter" and insert "herein"

Page 6, line 25, strike "all"

Page 8, line 22, strike "all"

Page 9, line 29, strike everything after "members"

Page 9, line 30, strike "region"

Page 10, line 1, strike "appoint" and insert "be represented on the council by"

Page 10, line 5, strike "selected" and insert "appointed"

Page 10, line 6, strike "July 1" and insert "June 30"

Page 11, strike lines 18 to 21

Renumber the remaining section

The motion prevailed. So the amendment was adopted.

S. F. No. 1077 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Perpich	Staples
Ashbach	Frederick	Laufenburger	Pillsbury	Stumpf
Bang	Gearty	Lewis	Purfeerst	Tennessee
Benedict	Hanson	Luther	Schaaf	Ueland, A.
Bernhagen	Hughes	Menning	Schmitz	Ulland, J.
Borden	Humphrey	Moe	Schrom	Vega
Brataas	Jensen	Nelson	Setzepfandt	Wegener
Coleman	Johnson	Nichols	Sieloff	Willet
Davies	Keefe, S.	Olhoff	Sikorski	
Dieterich	Kirchner	Olson	Solon	
Dunn	Kleinbaum	Penny	Spear	

So the bill, as amended, passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 1166, 1390, 830, 579, 928, 603, 713, 787, 1258, 798, 1120 and 977, which the committee recommends to pass.

S. F. No. 914, which the committee recommends to pass with the following amendment offered by Mr. Ueland, A.:

Page 1, line 6, strike everything after "Section 1."

Page 1, strike lines 7 to 10

Page 1, line 11, strike "cause" and insert "The city of Mankato may by ordinance exempt the chief of police and the chief of the fire department from civil service coverage. Said ordinance shall provide the method of appointment for these positions"

S. F. No. 1165, which the committee recommends to pass with the following amendments offered by Messrs. Willet and Johnson:

Mr. Willet moved to amend S. F. No. 1165 as follows:

Page 3, after line 23, insert:

"Sec. 2. *This act is effective the day following final enactment.*"

Mr. Johnson moved to amend S. F. No. 1165 as follows:

Page 3, line 18, after the period, insert "*Nothing in this subdivision shall prohibit an owner, having title as of January 1, 1976, from transferring by sale, bequest, or other means, the undivided ownership of a private parcel of land within a state park to the issue of that owner, natural or adopted, of the first generation.*"

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the report from the Subcommittee on Bill Scheduling be taken from the table. The motion prevailed.

Mr. Coleman moved that S. F. Nos. 1106, 784 and 1334 be returned to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Coleman moved to adopt the balance of the committee report. The motion prevailed.

Mr. Moe moved that S. F. No. 1416 be taken from the table. The motion prevailed.

S. F. No. 1416: A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes, including appropriations for the departments of public welfare, vocational rehabilitation, corrections, corrections ombudsman, health, health related boards, and public assistance programs; and repealing Minnesota Statutes 1976, Section 261.233.

Mr. Moe moved that the Senate do not concur in the amendments by the House to S. F. No. 1416 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 to be appointed on the part of the House. The motion prevailed.

Mr. Moe moved that H. F. No. 1510 be taken from the table. The motion prevailed.

H. F. No. 1510: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

Mr. Moe moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1510, 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.

CALL OF THE SENATE

Mr. Keefe, S. imposed a call of the Senate for the proceedings on S. F. No. 895. The following Senators answered to their names:

Anderson	Gearty	Knutson	Peterson	Staples
Ashbach	Hanson	Lessard	Pillsbury	Stokowski
Bang	Hughes	Luther	Purfeerst	Strand
Benedict	Humphrey	McCutcheon	Renneke	Stumpf
Bernhagen	Jensen	Menning	Schaaf	Tennessee
Coleman	Johnson	Merriam	Schmitz	Ueland, A.
Davies	Keefe, J.	Moe	Schrom	Ulland, J.
Dieterich	Keefe, S.	Ogdahl	Setzepfandt	Wegener
Dunn	Kirchner	Olhoff	Sieloff	Willet
Engler	Kleinbaum	Olson	Sikorski	
Frederick	Knoll	Penny	Spear	

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. 895 a Special Order to be heard immediately.

S. F. No. 895: A bill for an act relating to metropolitan government; providing for sports facilities; establishing a sports commission; providing financing; providing a tax on the sales of certain intoxicating and fermented malt beverages in the metropolitan area; prohibiting certain restrictive agreements relating to the telecasting of games; increasing the levy limitation base for the city of Bloomington; regulating facilities location; amending Minnesota Statutes 1976, Section 340.11, Subdivision 11a.

Mr. Keefe, S. moved to amend S. F. No. 895 as follows:

Page 5, strike line 25 after "except" and insert "that the commission may employ persons, firms, or corporations to perform one

or more or all of the functions of architect, engineer, construction manager, or contractor for both design and construction, with respect to all or any part of a project to build or remodel sports facilities. Such employment shall be through the process of public bidding, provided that it shall be permissible for the commission to narrow the listing of eligible bidders to those which the commission determines to possess sufficient expertise to perform the intended functions. Any such person, firm, or corporation shall certify, before the contracts are finally signed, a construction price and completion date to the commission and shall post a bond in an amount at least equal to 100 percent of the certified price, to cover any costs which may be incurred over and above the certified price, including but not limited to costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date. The commission shall secure surety bonds as required in section 574.26, securing payment of just claims in connection with all public work undertaken by it. Persons entitled to the protection of the bonds may enforce them as provided in sections 574.28 to 574.32, and shall not be entitled to a lien on any property of the commission under the provisions of sections 514.01 to 514.16."

Page 5 strike line 26

Page 6, line 4, strike "The"

Page 6, strike lines 5 to 25

Page 8, line 24, strike "necessary" and insert "necessary"

Page 9, line 30, strike the second "the"

Page 12, after line 31, insert a new subdivision to read:

"Subd. 3. Should the provisions of this section be found to be in conflict with legislation enacted by the Congress of the United States, the commission may then establish alternative standards for telecasting as a precondition of the execution of a lease agreement with any major league professional baseball, football, or soccer organization to be a tenant at the sports facility."

Renumber the remaining subdivision

Page 16, line 13, before "If" insert "The principal amount of the bonds issued pursuant to subdivision 1, clause (a), shall not exceed the amounts hereinafter authorized."

Page 22, line 8, strike "facilites" and insert "facilities"

Page 23, line 22, after "revenues" insert "to the council"

Page 23, line 23, strike "clause (a),"

Page 23, lines 24 and 25, strike "where necessary to meet the obligations of the council under section 10"

Page 24, lines 14 and 19, before "reserve" insert "debt service fund, including any"

Further amend the title as follows:

Page 1, line 4, after "commission" insert "and prescribing its powers and duties"

The motion prevailed. So the amendment was adopted.

Mr. Knoll moved to amend S. F. No. 895 as follows:

Page 5, line 13, after the period, insert "*A sports facility constructed or remodeled pursuant to sections 1 to 12 shall be named the Hubert H. Humphrey Stadium.*"

The motion did not prevail. So the amendment was not adopted.

Mr. Benedict moved to amend S. F. No. 895 as follows:

Page 27, after line 8, insert a new section to read:

"Sec. 14. No resolution authorizing the issuance of bonds pursuant to section 10 shall be effective and no bonds may be issued unless the issuance thereof has been approved by a majority of the voters voting upon the question at a referendum election within the metropolitan area as defined in section 473.121, subdivision 2, at any general election held within the metropolitan area."

Renumber the sections in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Chenoweth	Knutson	Schmitz	Stumpf
Ashbach	Dieterich	Luther	Schrom	Vega
Bang	Dunn	McCutcheon	Sieloff	Willet
Benedict	Engler	Nelson	Sikorski	
Bernhagen	Hughes	Penny	Sillers	
Borden	Keefe, J.	Renneke	Strand	

Those who voted in the negative were:

Brataas	Jensen	Lewis	Perpich	Spear
Coleman	Johnson	Menning	Peterson	Staples
Davies	Keefe, S.	Merriam	Pillsbury	Stokowski
Frederick	Kirchner	Moe	Purfeerst	Tennessee
Gearty	Knoll	Nichols	Schaaf	Ueland, A.
Hanson	Laufenburger	Ogdahl	Setzepfandt	Ulland, J.
Humphrey	Lessard	Olhoft	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Merriam moved to amend S. F. No. 895 as follows:

Page 15, line 12, before "(g)" strike "and"

Page 15, line 13, before the period insert "*(h) the feasibility of funding a portion of the total cost through a grant or grants from the economic development administration of the federal government, and (i) the feasibility of constructing a waste facility or a solar energy system to provide energy for heating and ventilating the sports facility*"

Page 16, line 24, after the period insert "*If the site for the facility is in the county of Anoka, no more than \$3,000,000 of the proceeds may be used for land acquisition, clearance, relocation and legal costs referred to in clauses (d) and (e) of this sub-*

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in connection with the construction of a multi-purpose

motion prevailed. So the amendment was adopted.

Mr. Kleinbaum moved to amend S. F. No. 895 as follows:

Page 23, line 16, strike "retail on-sales of"

Page 23, line 16, after "intoxicating" insert "liquors, except intoxicating malt liquors, sold at wholesale to licensed on-sale or off-sale retailers"

Page 23, strike lines 17 and 18

Page 23, line 19, strike "located"

The motion did not prevail. So the amendment was not adopted.

Mr. Benedict moved to amend S. F. No. 895 as follows:

Page 17, line 17, after the period, insert:

"The agreements shall provide that any cost of constructing the stadium over that provided in the contracts under clause (g) shall be paid by the professional football and baseball organizations."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Luther	Renneke	Stumpf
Ashbach	Dieterich	McCutcheon	Schmitz	Tennessee
Bang	Hughes	Nelson	Schrom	Vega
Benedict	Keefe, J.	Olhoft	Sikorski	Willet
Bernhagen	Knutson	Olson	Strand	

Those who voted in the negative were:

Brataas	Johnson	Menning	Pillsbury	Stokowski
Coleman	Keefe, S.	Merriam	Purfeerst	Ulland, J.
Engler	Kirchner	Moe	Schaaf	Wegener
Frederick	Kleinbaum	Nichols	Setzepfandt	
Gearty	Laufenburger	Ogdahl	Sieloff	
Hanson	Lessard	Perpich	Solon	
Humphrey	Lewis	Peterson	Staples	

The motion did not prevail. So the amendment was not adopted.

Mr. McCutcheon moved to amend S. F. No. 895 as follows:

Page 23, line 13, strike "The council shall impose" and after "tax" insert "shall be imposed"

Page 23, line 19, strike "within" and insert "outside"

Page 23, line 20, strike "the council may"

Page 23, line 21, strike "levy such" and after "tax" insert "shall be levied"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 33, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	McCutcheon	Schmitz	Tennessee
Bang	Keefe, J.	Ogdahl	Stokowski	Vega
Chenoweth	Knoll	Schaaf	Stumpf	Wegener
Davies				

Those who voted in the negative were:

Anderson	Gearty	Kleinbaum	Nelson	Staples
Benedict	Hanson	Knutson	Olson	Strand
Bernhagen	Hughes	Laufenburger	Pillsbury	Ueland, A.
Brataas	Humphrey	Lessard	Renneke	Ulland, J.
Dunn	Johnson	Luther	Setzepfandt	Willet
Engler	Keefe, S.	Menning	Solon	
Frederick	Kirchner	Merriam	Spear	

The motion did not prevail. So the amendment was not adopted.

Mr. Lewis moved to amend S. F. No. 895 as follows:

Page 8, after line 8, insert:

"Subd. 14. In exercising its powers to contract for the purchase of services, materials, supplies, and equipment, pursuant to subdivisions 5, 7, 8 and 10 of this section, the commission shall designate and set aside each fiscal year for awarding to small businesses approximately ten percent of the value of anticipated contracts and sub-contracts of that kind for that year, in the manner required of the commissioner of administration for state procurement contracts pursuant to sections 16.081 to 16.084. The commission shall follow the rules promulgated by the commissioner of administration pursuant to section 16.085, and shall submit reports of the kinds required of the commissioners of administration and economic development by section 16.086.

Subd. 15. The commission shall require that each party with whom it contracts for services for construction, concessions, and operation of a sports facility pursuant to subdivisions 5, 7, 8 and 10 of this section shall have an affirmative action plan for the employment of minority persons that has been approved by the commissioner of human rights."

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend S. F. No. 895 as follows:

Strike everything after the enacting clause and insert:

" Section 1. [LEGISLATIVE FINDINGS.] The legislature finds that there has arisen a need for expanded athletic facilities at the university of Minnesota, and that this need has arisen at a time when there also exists a need for a domed athletic facility to accommodate professional athletic events within the metropolitan area. The legislature also finds that the existing Memorial Stadium at the university represents a structurally sound and financially feasible possibility for meeting the needs of both the university and professional athletics.

Sec. 2. [DOMING AND REMODELING.] The board of regents of the university of Minnesota may proceed with plans for the doming and remodeling of Memorial Stadium in order to convert the Stadium into a full service athletic facility accommodating intercollegiate and intramural athletic competition, physical fitness and education classes and activities, and leisure time recreational activities. The regents shall consult with professional athletic teams in the metropolitan area in order to

insure suitability of the facility for use by professional athletic teams, and shall contract with the management of these teams for the use thereof upon terms and conditions to be agreed to.

Sec. 3. [FINANCING.] Costs of doming and remodeling Memorial Stadium pursuant to section 2 shall be paid by:

(1) Contributions from alumni and other interested parties and organizations.

(2) Revenues from contracts with professional athletic teams.

The board of regents shall possess full authority to arrange interim or long term financing of the cost of doming and remodeling pending the receipt of contributions and revenues.

Sec. 4. This act is effective upon final enactment."

Further amend the title as follows:

Strike lines 2 to 12 and insert:

"relating to university and professional athletic programs; providing for the remodeling of Memorial Stadium into a multi-purpose athletic facility."

Mr. Dieterich moved to amend the Ashbach amendment to S. F. No. 895, as follows:

Last paragraph of section 3 of the Ashbach amendment, line 1, after "shall" insert "not"

Line 1, strike "full"

Lines 1 and 2 strike "arrange interim or long term financing of" and insert "expend public funds or issue bonds to finance"

Line 2, before "doming" insert "the"

The motion did not prevail. So the amendment to the Ashbach amendment was not adopted.

The question recurred on the Ashbach amendment.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, J.	Perpich	Setzenfandt
Ashbach	Dunn	Kleinbaum	Purfeerst	Sieloff
Bang	Engler	Knutson	Renneke	Sillers
Bernhagen	Frederick	McCutcheon	Schaaf	Tennessee
Brataas	Hughes	Manning	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Schrom	Willet

Those who voted in the negative were:

Benedict	Johnson	Luther	Peterson	Stumpf
Borden	Keefe, S.	Merriam	Pillsbury	Ulland, J.
Coleman	Kirchner	Nelson	Sikorski	Wegener
Dieterich	Knoll	Nichols	Solon	
Gearty	Laufenburger	Ogdahl	Spear	
Hanson	Lessard	Oihoft	Staples	
Humphrey	Lewis	Olson	Strand	

The motion did not prevail. So the amendment was not adopted.

Mr. Knutson moved to amend S. F. No. 895 as follows:

Page 4, line 9, strike everything after the period

Page 4, strike line 10

The motion prevailed. So the amendment was adopted.

Mr. Bang moved to amend S. F. No. 895 as follows:

Page 14, after line 5 insert a new subdivision to read

"Subd. 4. [DEPARTMENT OF TRANSPORTATION REPORT.] By April 1, 1978 the department of transportation shall submit a transportation access report to the commission on the necessary road and highway alterations which will be necessary at each of the locations selected pursuant to subdivision 2."

Renumber the subdivisions in sequence

The motion did not prevail. So the amendment was not adopted.

Mr. Chenoweth moved to amend S. F. No. 895 as follows:

Page 20, line 15, strike "*sections 11 and*" and insert "*section*"

Page 20, lines 15 and 16, strike "*the tax described in section 11,*"

Page 21, lines 11 and 12, strike "*the tax referred to in section 11 and*"

Page 22, lines 8 and 9, strike "*and in anticipation of the proceeds from the tax under section 11 and*"

Page 23, strike lines 8 to 12

Page 23, line 13, strike "*Subd. 2.*" and insert "*1.*"

Page 23, line 13, strike "*The council shall impose*" and after "*tax*" insert "*shall be imposed*"

Page 23, line 16, strike "*two*" and insert "*one*"

Page 23, line 19, strike "*metropolitan area*" and insert "*state*"

Page 23, line 20, strike "*the council may*"

Page 23, line 21, strike "*levy such*" and after "*tax*" insert "*shall be levied*"

Renumber the subdivisions in sequence

Page 23, line 32, strike "*remitted at least quarterly to the*"

Page 24, strike lines 1 to 10 and insert "*deposited in the general fund by the commissioner of revenue and credited to a special fund to be known as the "sports and recreation facilities account," which is hereby created. The amounts in the fund shall be annually appropriated to the director of the state planning agency to be distributed, one-half to the metropolitan area for recreational facilities, with a first priority to meet operating costs of the sports facility financed pursuant to sections 1 to 12, and one-half to meet the costs of operation of sports and recreation facilities located outside the metropolitan area.*"

Amend the title as follows:

Line 6, strike "*in the metropolitan area*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 40, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Laufenburger	Schmitz	Stokowski
Bang	Dieterich	Luther	Schrom	Stumpf
Benedict	Hughes	McCutcheon	Sieloff	Tennessee
Chenoweth	Knutson	Schaaf	Spear	Vega

Those who voted in the negative were:

Bernhagen	Hanson	Knoll	Olhoft	Setzepfandt
Borden	Humphrey	Lessard	Olson	Sillers
Brataas	Jensen	Lewis	Penny	Solon
Coleman	Johnson	Menning	Perpich	Staples
Dunn	Keefe, J.	Merriam	Peterson	Strand
Engler	Keefe, S.	Moe	Pillsbury	Ueland, A.
Frederick	Kirchner	Nelson	Purfeerst	Ulland, J.
Gearty	Kleinbaum	Nichols	Renneke	Willet

The motion did not prevail. So the amendment was not adopted.

S. F. No. 895: A bill for an act relating to metropolitan government; providing for sports facilities; establishing a sports commission and prescribing its powers and duties; providing financing; providing a tax on the sales of certain intoxicating and fermented malt beverages in the metropolitan area; prohibiting certain restrictive agreements relating to the telecasting of games; increasing the levy limitation base for the city of Bloomington; regulating facilities location; amending Minnesota Statutes 1976, Section 340.11, Subdivision 11a.

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 40 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Humphrey	Lessard	Olson	Sillers
Bernhagen	Johnson	Lewis	Perpich	Solon
Brataas	Keefe, J.	Menning	Peterson	Staples
Coleman	Keefe, S.	Merriam	Pillsbury	Stokowski
Dunn	Kirchner	Moe	Purfeerst	Strand
Frederick	Kleinbaum	Nelson	Schaaf	Ueland, A.
Gearty	Knoll	Nichols	Setzepfandt	Ulland, J.
Hanson	Laufenburger	Ogdahl	Sikorski	Wegener

Those who voted in the negative were:

Ashbach	Davies	Knutson	Renneke	Stumpf
Bang	Dieterich	Luther	Schmitz	Tennessee
Benedict	Engler	McCutcheon	Schrom	Vega
Borden	Hughes	Olhoft	Sieloff	Willet
Chenoweth	Jensen	Penny	Spear	

So the bill, as amended, passed and its title was agreed to.

RECONSIDERATION

Mr. Keefe, S. moved that the vote whereby S. F. No. 895 was passed by the Senate on April 28, 1977, be now reconsidered. The motion did not prevail.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, May 2, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate